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## Did you know.....

- ✓ A supervisor is not required to create "light duty" positions or to reallocate essential job functions?
- Reasonable accommodations include modification or adjustment of the application process to enable qualified individuals with disabilities to apply, making facilities readily accessible to and usable by persons with disabilities, modifying work schedules, reassignment to a vacant position, reallocating non-essential job functions, and acquisition or modification of equipment or devices?
- A supervisor is **not** required to provide a reasonable accommodation if it would create an undue hardship for the employer? Terms of a collective bargaining agreement may be relevant in determining whether a particular accommodation would cause undue hardship, but they will not be determinative of that question. **The duty of reasonable accommodation is situation-specific**.
- Technical Assistance Documents are available in "The ADA Best Practices Tool Kit for State and Local Governments" which can be downloaded from <a href="http://www.ada.gov/pcatoolkit/toolkitmain.htm">http://www.ada.gov/pcatoolkit/toolkitmain.htm</a>?
- Limited English Proficiency (LEP) is a form of National Origin Discrimination?

  Interpreters must be provided free of charge. Use of family members and/or minors as interpreters is discouraged. In cases where an applicant chooses to have a family member or minor interpret for them, it is necessary to document in the record that a free interpreter was offered and declined by the applicant/client.
- Agencies that fund Department of Human Services programs and activities **require that certain notices** be placed in all offices visible to the public. These posters (including a poster in 21 languages for requesting an interpreter) may be obtained from your Divisional Limited English Proficiency Task Force representative.
- ✓ Harassment is unlawful when it is (I) based on a protected factor, (2) alters terms and conditions or (3) creates hostile work environment?
- As a supervisor you can set the standard for avoiding harassment by (I) educating and monitoring, (2) listening and investigating, (3) taking corrective action.
- Employees, applicants, clients and potential applicants and clients must be notified in writing of their right to file concurrent complaints based on discrimination in employment or services?
- ✓ Guidance and forms for filing a discrimination complaint can be found in DHS Policies and Procedures 4.10.1, July 12, 2007?
- ✓ DHS' Harassment Policy can be found in 4.10.2, September 2007?
- ✓ DHS' Opportunity to Participate in Programs, Services and Activities policy can be found in 4.10.3, September 2007?
- ✓ DHS' Civil Rights Compliance Staff (1) provides technical and advisory services to supervisors regarding standards and requirements of civil rights laws, rules and regulations, (2) investigates civil rights complaints, (3) develops departmental policies, procedures and plans related to civil rights matters and (4) serves as departmental liaison for all civil rights-related matters?



# Department of Human Services POLICIES AND PROCEDURES MANUAL

Subject
DEPARTMENTAL DISCRIMINATION
COMPLAINT PROCEDURE

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OPR
Personnel Office
Issue/Revision Date
JUL 12 2007

#### INTRODUCTION

#### 1.0 PURPOSE

To establish a timely, uniform, and effective means of resolving internal discrimination complaints filed by employees, former employees, applicants for employment and service applicants/recipients. This is to enhance the morale and efficiency of employees, and to encourage public confidence in the Department's commitment towards providing services and benefits exclusive of discriminatory practices.

#### 2.0 REFERENCES AND DEFINITIONS

#### 2.1 REFERENCES

- a. Title VI and VII of the Civil Rights Act
- b. Equal Pay Act
- c. Age Discrimination in Employment
- d. Age Discrimination Act (services)
- e. Section 503 and 504 of the Rehabilitation Act
- f. Titles I and II of the Americans with Disabilities Act
- g. Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act
- h. Civil Rights Restoration Act
- i. Executive Order 11246, as amended
- j. Hawaii Revised Statutes Chapter 76, 78, 371 and 378, Part I
- k. and others

#### 2.2 <u>DEFINITIONS</u>

- a. Applicant for employment Any person who submits a written application for State employment with the Department of Human Services.
- b. Complaint An informal or formal (written) claim of discrimination which indicates that a person or group of persons were treated differently, or adversely impacted by action(s) of the DHS, based on one or more memberships in protected groups.
- c. Complainant Any person who alleges discrimination in the employment process, or in the provision of services and/or benefits.
- d. Department Department of Human Services

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- e. Discrimination Any action(s) or lack of action(s) by the DHS, which results in disparate treatment or has an adverse impact on a person or group of persons, on the basis of one or more memberships in protected groups.
- f. External Enforcement Agencies Government agencies which enforce statutes prohibiting discrimination, and which are responsible for receiving, investigating and adjudicating discrimination complaints. Federal agencies include, but are not limited to, The U.S. Equal Employment Opportunity Commission, U.S. Department of Justice, U.S. Department of Labor, Office of Federal Contract Compliance Programs, and any other federal agency from which the Department receives funding. The State agency is the Hawaii Civil Rights Commission.
- g. Factors Protected by Law Characteristics of a person or group of persons, which are protected under civil rights laws. For employment, these factors include race, color, national origin, sex, religion, age, disability, arrest and court records, sexual orientation, marital status, veteran status and assignment of income for the purpose of child support obligations. Services, factors include, race, color, national origin, age, sex, religion, disability status, and political beliefs.
- h. Respondent(s) Any person or group of persons alleged to be responsible for discrimination.
- i. Service Applicant/Recipient Any person applying for, having the potential for applying, or receiving program benefits or services provided by the Department.

#### 3.0 POLICY

It is the policy of the Department that all employees, former employees, applicants for employment and service potential applicants or applicants/recipients be provided an equal opportunity in the employment process and in the provision of services. In keeping with this policy, complaints of discrimination are to be processed fairly and promptly.

Individuals filing a complaint, or participating in the complaint process have the right to:

- a. Representation by legal counsel, union agent, if appropriate, or designee of their choice.
- b. Confidentiality, provided such confidentiality does not impede the process of fairly and thoroughly investigating the complaint. (An individual will be asked to complete a Consent/Release Form—see APPENDIX B)
- c. Freedom from restraint, interference, coercion, or retaliation in presenting complaints or in providing information in the resolution of problems or complaints.

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- d. Forego this internal complaint process and file a complaint directly with an appropriate external enforcement agency.
- e. Alternative means of participation, such as the provision of an interpreter (e.g. sign or other language), written material in large print, and other reasonable modifications, free of charge.

#### 4.0 SCOPE

This policy and procedure shall apply to all employees, former employees, applicants for employment and potential applicants or applicants/recipients for services provided by the Department.

#### 5.0 RESPONSIBILITIES

#### 5.1 <u>DEPARTMENT HEAD (DIRECTOR)</u>

The Department Head is responsible for the establishment, modification and implementation of the departmental uniform complaint procedure. The Department Head may designate these functions to others.

#### 5.2 PERSONNEL OFFICER

The Personnel Officer shall monitor and oversee the application of this policy and procedure and provide staff services to the Department Head.

#### 5.3 CIVIL RIGHTS COMPLIANCE STAFF

The Civil Rights Compliance Staff (CRCS) of the Personnel Office, shall be responsible for providing technical guidance to management personnel in the resolution of informal discrimination complaints. The CRCS shall also be responsible for receiving, processing and investigating formal internal discrimination complaints.

#### 5.4 MANAGEMENT PERSONNEL

Management Personnel, in consultation with the CRCS, shall be responsible for receiving and resolving informal discrimination complaints by employees and potential service applicants/recipients.

#### 5.5 <u>COMPLAINANTS</u>

Complainants shall follow the provisions of the policy and procedures contained herein.

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#### 6.0 PROCEDURES (Departmental)

#### 6.1 EMPLOYMENT COMPLAINTS

#### a. Informal Complaints

- 1. Employees who believe they have been discriminated against, may discuss the matter with their immediate supervisor, division administrator or designee (i.e. management personnel). If employees elect to proceed through the informal complaint process, they should do so within thirty (30) days from the most recent incident of alleged discrimination.
- 2. Complainants shall be informed that they may forego the informal complaint process and file a formal written complaint directly with the CRCS.
- 3. After discussing the situation with Complainant, management personnel shall consult with the CRCS in order to conduct an appropriate investigation; prepare a written response to Complainant summarizing the investigative findings; and take remedial measures, if necessary, to address the situation.
- 4. If the matter is not resolved to Complainant's satisfaction, Complainant may file a formal complaint with the CRCS, in accordance with the procedures outlined below.

#### b. Formal Complaints

- 1. Employees or applicants for employment, may file a formal internal complaint in writing with the CRCS. Complaints must be filed within ninety (90) days from the most recent incident of alleged discrimination using the "Departmental Discrimination Complaint Form" (APPENDIX A).
- 2. Upon receipt of a written complaint, the CRCS shall conduct a fact-finding investigation. The investigation shall include, and is not limited to, contacting the Complainant to clarify or obtain additional facts relative to the complaint, and obtaining information from individuals with apparent knowledge of Complainant's allegations.
- 3. Upon completion of the investigation, the CRCS shall prepare a written summary of the investigative findings for the Department Head's review

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- 4. The Department Head shall review the evidence and render a decision in writing, with copies to Complainant and Respondent(s). The decision shall include:
  - (a) Reasons and explanation for the decision; and
  - (b) Alternative avenues of recourse available to Complainant.
- 5. If the investigation confirms that discrimination occurred, the Department will take immediate corrective action.
- 6. If complaint is not resolved to Complainant's satisfaction, Complainant may appeal to an appropriate external enforcement agency. Complainants shall be advised that they have a timeframe of 180 days to file a complaint with the Hawaii Civil Rights Commission and 300 days to file same with the Equal Employment Opportunity Commission. Complainants must be advised that they can file concurrent complaints.

#### 6.2 SERVICE COMPLAINTS

#### a. Informal Complaints

- 1. Service Applicants/Recipients or potential applicants who believe they have been discriminated against in the application for, or provision of services, may discuss their concerns with the unit supervisor, division administrator, or designee (i.e. management personnel). If Service Applicants/Recipients elect to proceed through the informal complaint process, they should do so within thirty (30) days from the most recent incident of alleged discrimination.
- 2. After discussing the situation with Complainant, management personnel shall consult with the CRCS in order to conduct an appropriate investigation; prepare a written response to Complainant summarizing the investigative findings; and take remedial measures, if necessary, to address the situation.
- 3. If the matter is not resolved to Complainant's satisfaction, a formal complaint may be filed with the CRCS, in accordance with the procedures outlined below.

#### b. Formal Complaints

1. Service Applicants/Recipients, or potential applicants, may file a formal written complaint with the CRCS, within ninety (90) days from the most recent incident of alleged discrimination, using the departmental "Discrimination Complaint Form."

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- 2. Upon receipt of a written complaint, the CRCS shall conduct a fact-finding investigation. The investigation shall include, and is not limited to, contacting the Complainant to clarify or obtain additional facts relative to the complaint, and obtaining information from individuals with apparent knowledge of Complainant's allegations. These individuals will be asked to complete a Consent/Release Form, APPENDIX B.
- 3. Upon completion of the investigation, the CRCS shall prepare a written summary of the investigative findings for the Department Head's review.
- 4. The Department Head shall review the evidence obtained during the investigation and render a decision in writing, with a copy to Complainant and Respondent(s). The decision shall include:
  - a. Reasons and explanation for the decision; and
  - b. Alternative avenues of recourse available to Complainant.
- 5. If the investigation reveals that discrimination occurred, the Department shall take remedial measures to ensure that Complainant is afforded an equal opportunity to participate in, and benefit from its programs, services and activities.
- 6. If the matter is not resolved to Complainant's satisfaction, an appeal may be made to an appropriate external enforcement agency.

#### 7.0 IMPLEMENTATION

This Discrimination Complaint Procedure shall be effective as of the date of approval and shall remain in effect until cancelled or superseded by order of the Director.

APPROVED:

Lillian B. Koller, Director

# STATE OF HAWAII Department of Human Services

# **DISCRIMINATION COMPLAINT FORM**

NAME		SS NO. (Last 4 digits only)	PHONE (Business)	PHONE (Home)
STR	REET ADDRESS	CITY/ST	ATE	ZIPCODE
EMI	PLOYER (Division/Unit) if a	pplicable		
1.	JOB TITLE, if applicable _			
2.	BASIS OF ALLEGED DISC	CRIMINATION (Cho	ose appropriate ite	em/s)
	<ul> <li>Race/color</li> <li>Sex/Gender</li> <li>Religion</li> <li>Disability</li> <li>National Guard Absence</li> </ul>	<ul><li>— Breast-Feedi</li><li>— Arrest/Court</li><li>— Child Suppo</li></ul>	Records rt Assignment	— Marital Status
3.	Explain briefly what, if anyth	ning, you have done a	bout the alleged d	iscrimination.
4.	Does your complaint concern	n alleged discrimination	on in services deliv	very? Yes No
5.	Does your complaint concern	n alleged discrimination	on in employment	? Yes No
6.	Is the alleged discrimination	against you? No	Yes, By wh	iom?

7.	Please explain how and why you believe you were discriminated against. Please be SPECIFIC. Please include names, dates, witnesses and places of the incident/s.		
	(Attach additional sheets if you require more space.)		
8.	Is the alleged discrimination against others? No Yes, please list, name(s), addresses(s) and phone number(s).		
9.	What is the specific date or period of time of the alleged discrimination?		
10.	Please indicate the relief/remedy you are seeking.		
11.	I will notify DHS, Personnel, CRCS, P.0. Box 339, Honolulu, HI 96809-0339, if I change my address or telephone number. I swear or affirm that I have read the above statements and that they are true to the best of my knowledge and belief.		
PLE	ASE COMPLETE, REVIEW, SIGN, DATE AND RETURN TO ABOVE ADDRESS.		
Sign	ature Date		
	The purpose of this form is to assist you in filing a complaint with the Department of Human Services. You are not required to use this form, a letter with the same information is sufficient.  HOWEVER, THE INFORMATION REQUESTED ABOVE MUST BE PROVIDED, WHETHER OR NOT THE FORM IS USED.		

(PLEASE READ THE ATTACHED NOTICE ON DISCRIMINATION COMPLAINTS AND NON-RETALIATION REQUIREMENT.)

#### NOTICE TO INDIVIDUALS FILING DISCRIMINATION COMPLAINTS

Individuals alleging discriminatory treatment in services and/or employment have a right to file a complaint using the Department of Human Services DISCRIMINATION COMPLAINT FORM, DHS 9004 (rev 06-2007). A letter with the same information requested on the form can be used if necessary. The complaint should be sent to:

STATE OF HAWAII
Department of Human Services
Personnel/CRCS
P.O. Box 339
Honolulu, Hawaii 96809-0339

Tel: (808) 586-4955 TTY: (808) 586-4959 gwatts@dhs.hawaii.gov

Individuals also have a right to seek redress for their complaint through the appropriate

- 1) Collective Bargaining Unit,
- 2) State and Federal Compliance Agencies, and/or
- 3) Civil Court action.

Confidentiality: All information shall be held with strictest confidentiality, and release of information shall be allowed only when necessary to resolve the issue/s in the complaint. A complainant consent release form (DHS 9007) will be required to complete an investigation.

Non-retaliation: Section 704 (a) of the Civil Rights Act of 1964, as amended states:

It shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicant/s for employment (or services) because he/she has opposed any practice by this title, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

Additionally, laws enforced prohibit recipients of Federal financial assistance from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. Individuals seeking services and/or employment with the Department of Human Services are advised of this non-retaliation requirement and are instructed to notify the Department's Personnel Office/CRCS, P.O. Box 339, Honolulu, Hawaii 96809-0339, if any attempt at retaliation is made as a result of filing a complaint.

Rights and Responsibilities: (The following list highlights some rights and responsibilities and is NOT all inclusive.)

- 1. You have the right to have an attorney represent you, at your own expense, or to have any other personal representative of your choice at any level of a grievance. Such representative shall not be a departmental or State EO representative or Personnel Specialist.
- 2. You have the right to discontinue your complaint at any time by submitting a written statement of withdrawal.

- 3. You have the right to be notified of each of the steps taken in the complaint procedure, to be notified ahead of time of any inquiry or conference, and to be notified in writing of the decision reached at any level.
- 4. You have the right to reasonable accommodations, including and not limited to language interpreters/translators, auxiliary aids and/or facilities and parking for individuals with disabilities. You are responsible for requesting required accommodations.
- 5. At any point in time, you have the right to file your complaint with the State or Federal agencies listed in this notice as appropriate. You are responsible to inquire directly with these agencies regarding the steps necessary for redress.

Following is a list of additional entities where you might file a complaint as appropriate:

State of Hawaii Hawaii Civil Rights Commission 830 Punch bowl Street, Room 411 Honolulu, Hawaii 96813 Telephone (808) 586-8636

U. S. Department of Labor Office of Contract Compliance Programs Prince Kuhio Federal Building, Room 7326 300 Ala Moana Boulevard Honolulu, Hawaii 96850 Telephone (808) 541-2933

U. S. Department of Health and Human Services Office of Civil Rights, Region IX 90 7th Street, Suite 4-100 San Francisco, California 94103-6705 Telephone (415) 437-8324

U. S. Department of Agriculture
Office of Civil Rights Food and Nutrition Service Western Region
90 7th Street, Suite 10-100
San Francisco, CA 94103
Telephone (415) 705 1322 TTY (800) 735-2922

U. S. Department of Education
Office of Civil Rights, Seattle Office
915 Second Avenue, Room 3310
Seattle, WA 98174-1099 (206) 220-7900 Fax (206) 220-7887

U. S. Department of Justice Office of Civil Rights 810 7th Street, NW Washington, C. C. 20531 (202) 307-0690

#### NOTICE OF NON-RETALIATION REQUIREMENT

Section 704 (a) of the Civil Rights Act of 1964, as amended states:

"It shall be unlawful employment practice for an employer to discriminate against any of his/her employees or applicant(s) for employment....because he/she has opposed any practice made an unlawful employment practice by this title, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title."

Persons filing charges of employment discrimination are advised of this non-retaliation requirement and are instructed to notify the Department's Civil Rights Compliance Staff (808) 586-4955 if any attempt at retaliation is made as a result of their filing this complaint.

### **CONSENT / RELEASE FORM**

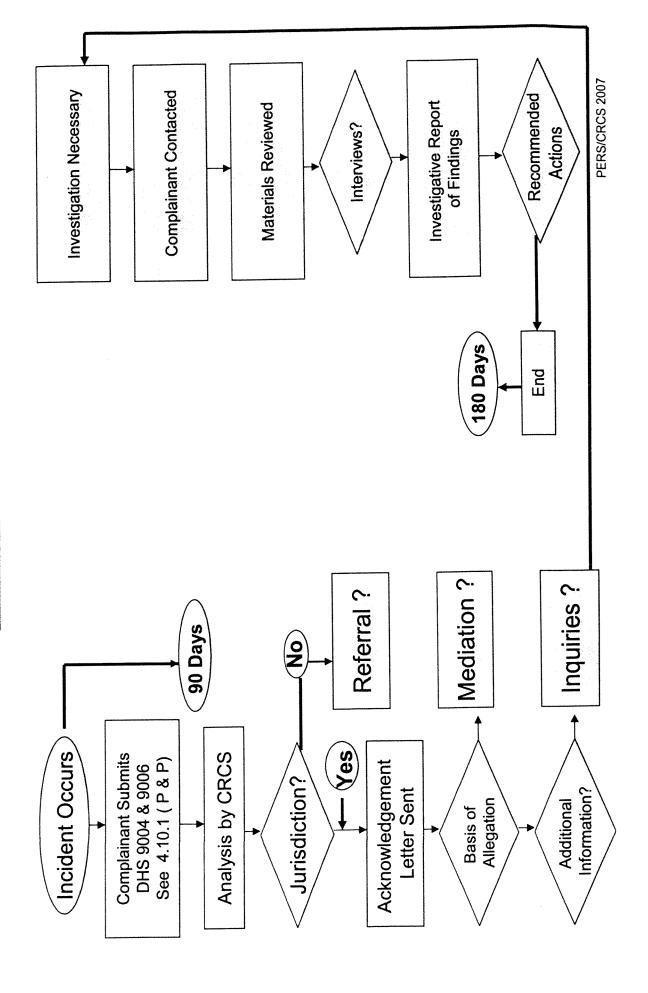
Your Name:		
Address:		
Please read the information bottom of the form.	below, initial the appropriate	space, and sign and date this form on the lines at the
CRCS, to reveal my identity obligations of CRCS to honomight be necessary for DHS gathered as a part of its pre	to persons at the organization or requests under the Freedon of to disclose information, including Uliminary inquiry or investigation	investigation it might become necessary for DHS, in under investigation. I am also aware of the n of Information and Privacy Acts. I understand that it uding personally identifying details, which it has on of my complaint. In addition, I understand that as a HS Policies from retaliation for having taken action or scrimination statutes.
Initial on line above if you give consent.	information and author at the organization und that provide financial a compliance oversight rauthorize DHS to recei investigation of my complications, case files authorization is effective signed. I understand tauthorized civil rights of	- I have read and understand the above size DHS, CRCS, to reveal my identity to persons ler investigation and to Federal or State agencies assistance to the organization or also have civil rights esponsibilities that cover that organization. I hereby we material and information about me pertinent to the implaint. This release includes and is not limited to, personal records, and medical records. This we for one year from the date the authorization is that the material and information will be used for compliance and enforcement activities. I further ot required to authorize this release, and I do so
Initial on line above if you <u>deny</u> consent	and do not want CRCS investigation, or to rev consent information ab complaint. I understant complaint and getting	have read and understand the above information to reveal my identity to the organization under iew, receive copies of, or discuss material and rout me, pertinent to the investigation of my ad that this is likely to make the investigation of my all the facts more difficult and, in some cases, esult in the investigation being closed.
Signature		Date
Please return completed,	signed and dated form to:	State of Hawaii Department of Human Services PERS/CRCS P.O. Box 339 Honolulu, Hawaii 96809-0339
Questions may be sent to	: gwatts@dhs.hawaii.gov	

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FORW	APPENDIX C	L	

# **COMPLAINT WITHDRAWAL FORM**

Ι,	hereby WITHDRAW my Discrimination Complaint
- Communication and do no	. I am revoking any consent I might have rmation. I am voluntarily revoking this consent and the of wish to proceed with this complaint. I have received no ich might have influenced me in withdrawing this
Complainant	Date
discriminatory conduct against anyon in an action to secure rights protected harassment or intimidation may file a who will investigate such a complain	ements that apply, sign and date and return to
	my complaint of discrimination that I filed against because:
1. I no longer wish to pursue my	y complaint because the issues I raised are now resolved.
2. I no longer believe that I have	e a discrimination complaint.
3. I am currently receiving the b	penefits I am entitled to receive.
	s in current laws prohibit me from receiving benefits.
Signature	Date

# DHS Discrimination Complaint Procedures and Timelines



SAMOLE

# STATE OF HAWAII Department of Human Services

## **DISCRIMINATION COMPLAINT FORM**

Jo Slow	4444	586-0000	288-12/2
NAME	SS NO. (Last 4 digits only)	PHONE (Business)	PHONE (Home)
115 MAIN STREET STREET ADDRESS		,	•
EMPLOYER (Division/Unit	) if applicable Dept.	of Human &	Services/VR
	le <u>IR Specia</u>		,
2. BASIS OF ALLEGED	DISCRIMINATION (Cho	ose appropriate item/	/s)
<ul> <li>— Race/color</li> <li>✓ Sex/Gender</li> <li>— Religion</li> <li>✓ Disability</li> <li>— National Guard Ab</li> </ul>	— Child Suppor	ng Records rt Assignment	<ul> <li>Retaliation</li> <li>Marital Status</li> <li>Age</li> <li>Citizenship</li> <li>Political Belief</li> </ul>
*	anything, you have done a  visor / Case wor  Hawaii Civil K		
	Legal Aid		
4. Does your complaint co	oncern alleged discrimination	on in services deliver	ry? X Yes No
5. Does your complaint co	oncern alleged discrimination	on in employment?	Yes No
6. Is the alleged discriminate	ation against you? No	Yes, By whom	n? Jim FAST

_	Please explain how and why you believe you were discriminated against. Please be
7.	SPECIFIC. Please include names, dates, witnesses and places of the incident/s.
	8/2/07 XXZ Soid "YOU DIRE PART of The - WAVE"
	8/3/07 GRS SAID "ACT LIKE A Sighted Person"
	8/10/07 filed A TOUT
	9/1/07 Overtime refused because I Filed A TONT  (Attach additional sheets if you require more space.)
	(Attach additional sheets if you require more space.)
8.	Is the alleged discrimination against others? X No Yes, please list, name(s), addresses(s) and phone number(s).
9.	What is the specific date or period of time of the alleged discrimination? $8/2/07$ $and$ $ongoing$ $hatest$ $g/i/07$
10.	Please indicate the relief/remedy you are seeking. Poblic Apology
	Overtime Approved, Sensitivity Training for Jim Fast
11.	I will notify DHS, Personnel, CRCS, P.0. Box 339, Honolulu, HI 96809-0339, if I change my address or telephone number. I swear or affirm that I have read the above statements and that they are true to the best of my knowledge and belief.
	EASE COMPLETE, REVIEW, SIGN, DATE AND RETURN TO ABOVE ADDRESS.
Sign	nature Jo Slow Date 1/2/07
	The purpose of this form is to assist you in filing a complaint with the Department of Human Services. You are not required to use this form, a letter with the same information is sufficient.  HOWEVER, THE INFORMATION REQUESTED ABOVE MUST BE PROVIDED, WHETHER OR NOT THE FORM IS USED.

(PLEASE READ THE ATTACHED NOTICE ON DISCRİMINATION COMPLAINTS AND NON-RETALIATION REQUIREMENT.)

SAMPLE

# CONSENT / RELEASE FORM

your	Name:
Your	Marrio.

15 Main Street

Please read the information below, initial the appropriate space, and sign and date this form on the lines at the Address:

I understand that in the course of a preliminary inquiry or investigation it might become necessary for DHS, bottom of the form. CRCS, to reveal my identity to persons at the organization under investigation. I am also aware of the obligations of CRCS to honor requests under the Freedom of Information and Privacy Acts. I understand that it might be necessary for DHS to disclose information, including personally identifying details, which it has gathered as a part of its preliminary inquiry or investigation of my complaint. In addition, I understand that as a complainant I am protected by Federal regulations and DHS Policies from retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes.

you give consent.

CONSENT GRANTED -- I have read and understand the above information and authorize DHS, CRCS, to reveal my identity to persons at the organization under investigation and to Federal or State agencies that provide financial assistance to the organization or also have civil rights compliance oversight responsibilities that cover that organization. I hereby authorize DHS to receive material and information about me pertinent to the investigation of my complaint. This release includes and is not limited to, applications, case files, personal records, and medical records. This authorization is effective for one year from the date the authorization is signed. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and I do so voluntarily.

Initial on line above if you deny consent

CONSENT DENIED -- I have read and understand the above information and do not want CRCS to reveal my identity to the organization under investigation, or to review, receive copies of, or discuss material and consent information about me, pertinent to the investigation of my complaint. I understand that this is likely to make the investigation of my complaint and getting all the facts more difficult and, in some cases, impossible, and may result in the investigation being closed.

Please return completed, signed and dated form to:

State of Hawaii

Department of Human Services

8/x/07 Date

PERS/CRCS P.O. Box 339

Honolulu, Hawaii 96809-0339

Questions may be sent to: gwatts@dhs.hawaii.gov

# State of Hawaii Department of Human Services COMPLAINT WITHDRAWAL FORM

	hereby WITHDRAW my Discrimination Complaint
an investigation and do not wish to	hereby WITHDRAW my Discrimination Complaint    2 260   . I am revoking any consent I might have granted   2 100   . I am voluntarily revoking this consent and the request for   proceed with this complaint. I have received no promises,   on the proceed me in withdrawing this complaint.
Tomplainant	nt have influenced me in withdrawing this complaint.  Date
go Slow	Date Date
Complainant	
Note: Please be advised that no or discriminatory conduct against any in an action to secure rights protect harassment or intimidation may fill who will investigate such a complete.	ne may intimidate, threaten, coerce, or engage in outcome of the course he or she has either taken action or participated ted by civil rights laws. Any individual alleging such le a complaint with appropriate internal or external agencies aint if the situation warrants.
Please help us by checking all st	atements that apply, sign and date and return to see the second s
I, the undersigned, wish to withdr	aw my complaint of discrimination that I filed against because:
✓ 1. I no longer wish to pursu	aw my complaint of discrimination that I filed against because:  e my complaint because the issues I raised are now resolved.
2. I no longer believe that I	have a discrimination complaint.
2 Lam currently receiving	the benefits I am entitled to receive.
4. I understand that the cha	nges in current laws prohibit me from receiving benefits.
Signature Slov	9/4/07 Date
Questions may be submitted to:	gwatts@dhs.hawaii.gov

## <u>ハワイ州</u> 福祉サービス局

## 差別申立てフォーム

——— 名前	ソーシャルセキ (下4桁のみ)	テュリティ番号.	電話番号(会社)	電話番号 (自宅)
 住所 勤務 1.	市・州 先 (課/室),当てはまる場合 職務名,当てはまる場合			
2.	差別申立ての根拠(当てはま	る項目を選択して	下さい)	
3.		<ul><li>出身国・先祖</li><li>母乳哺育</li><li>逮捕歴・裁判歴</li><li>養育費割当</li><li>性的志向</li><li>して何か行動を起こ</li></ul>		<ul><li>一報復行為</li><li>一結婚歴</li><li>一年齢</li><li>一市民権</li><li>一政治的所信</li></ul> それを簡潔に説明して下
4. 5.	コートリー・スギリ中サイフ			_ はい いいえ _ はい いいえ
6.	ソロサーマルなかたけ対し	1-2,	ナか。 <u> </u>	

7.	どのように、何故差別されたと思うのか説明して下さい。明細にお願いします。名前、日付、証人、そして事が起こった場所も含めて下さい。
	(もし紙面が足りない場合は追加の紙を添付して下さい)
8.	差別申立ては他の人に対してですか。 いいえ はい、名前、住所、電話番号を記入して下さい。
9.	申立てをしている差別が起こった明確な日付、若しくは期間を書いてください。
10.	あなたが求める慰籍・救済策を述べて下さい
11.	もし住所や電話番号を変更する場合は、DHS, Personnel, CRCS, P.O. Box 339, Honolulu, HI 96809-0339に通知します。私は上記の陳述文を読み、私の最善の認識と信念にいおいて真実だという事を誓います。
全て	を記入、見直し、署名、日付、そして上記の住所に送って下さい。
署名	日付

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(添付の差別申立て通知と非報復条件通知を読んで下さい。)

## 差別申立て申請者への通知

サービス上、または雇用上で差別待遇を受けた個人は、福祉サービス局の差別申立てフォームDHS9004 (2007年6月改訂) にて訴えを提出する権利があります。フォームと同様の情報を記載していれば手紙で の申請でも大丈夫です。申立ては下記まで送付して下さい。

ハワイ州 福祉サービス局 人事部 公民権サービス課 STATE OF HAWAII Department of Human Services Personnel/CRCS P.O. Box 339 Honolulu, Hawaii 96809-0339

> Tel: (808) 586-4955 TTY: (808) 586-4959 gwatts@dhs.hawaii.gov

また個人は申立てに対し以下の機関を通し救済策を求める権利があります

- 1) 労働協約室
- 2) 州、連邦政府準拠局、または/そして
- 3) 民事裁判

守秘:全ての情報は厳密に守秘され、情報開示は申立ての論点解決に必要な時のみ許されます。調査遂行 には申立て免除認可同意フォーム (DHS9006) が必要となります。

非報復:1964年公民権法セクション704(a)修正陳述によると

このタイトルの実施に反対した事があったり、告発、証言、助力、またどのような形にしろこの タイトル下での調査や法的手続きや審問に参加した事がある従業員、雇用応募者(またはサービ ス申込者)に対し雇用主が差別する事は非合法的雇用行為とするものである。

その上、執行された法は、連邦政府より財政援助を受け取っている者が、法により守られた権利確保の為 の行為を取った者、またそれに参加した者への脅迫や報復をする事を禁じています。福祉サービス局にサ ービスを求める者、また若しくは雇用を求める者は、非報復条件を知り、申立てをした結果報復行為を企 てられた場合は人事部・公民権サービス課、Department's Personnel Office/CRCS, P.O. Box 339, Honolulu, Hawaii 96809-0339へ通告するようにして下さい。

権利と責任: (下記のリストは、権利と責任の重要点であるが、包括的ではありません)

- 1. あなたはあなたを代理する弁護士を自費で雇う権利があり、または苦情申立てのどの段階でも代理人 を立てる事が出来ます。そのような代理人は局、または州の機会平等代表や人事専門員ではあっては なりません。
- 2. あなたは取り消し書を提出すればいつでも申立てを中断する権利があります。

- 3. あなたは、申立て手続きの各段階の通知、質疑や協議の事前通知、そして書面にて各段階で出された 結果通知を受ける権利があります。
- 4. あなたは、障害のある個人の為に、言語通訳・翻訳、補助援助、設備、駐車場等を含む、但しそれに 限定しない妥当な便宜を受ける権利があります。
- 5. あなたは、どの時でもこの通知に掲載された適切な州または連邦政府の機関に申立て申請をする権利 があります。あなたは救済策に要する手段に関して直接これらの機関に尋ねる責任があります。

以下申立てをする機関の追加リストです。

ハワイ州ハワイ公民権委員会 State of Hawaii Hawaii Civil Rights Commission 830 Punch bowl Street, Room 411 Honolulu, Hawaii 96813 Telephone (808) 586-8636

米国労働省 連邦契約承諾プログラムオフィス

U. S. Department of Labor Office of Contract Compliance Programs Prince Kuhio Federal Building, Room 7326 300 Ala Moana Boulevard Honolulu, Hawaii 96850 Telephone (808) 541-2933

米国保険福祉省 公民権オフィス 9区
U. S. Department of Health and Human Services
Office of Civil Rights, Region IX
90 7th Street, Suite 4-100
San Francisco, California 94103-6705
Telephone (415) 437-8324

米国農務省 西部地区食糧及び栄養サービス公民権オフィス
U. S. Department of Agriculture
Office of Civil Rights Food and Nutrition Service Western Region
90 7th Street, Suite 10-100
San Francisco, CA 94103
Telephone (415) 705 1322 TTY (800) 735-2922

米国教育省 公民権オフィス シアトルオフィス
U. S. Department of Education
Office of Civil Rights, Seattle Office
915 Second Avenue, Room 3310
Seattle, WA 98174-1099 (206) 220-7900 Fax (206) 220-7887

米国司法省 公民権オフィス U. S. Department of Justice Office of Civil Rights 810 7th Street, NW Washington, C. C. 20531 (202) 307-0690

#### 非報復条件通知

1964年公民権法セクション704(a)修正陳述によると、

このタイトルの実施に反対した事があったり、告発、証言、助力、またどのような形にしろこのタイトル下での調査や法的手続き、審問に参加した事がある従業員、雇用応募者(またはサービス申込者)に対し雇用主が差別する事は非合法的雇用行為とするものである。

雇用差別告発申請を行う者は、この非報復条件を知った上で、もし申立て申請の結果、報復行為企図があるようなら、局の公民権準拠職員(808)586-4955まで通知して下さい。

# 免除認可同意フォーム

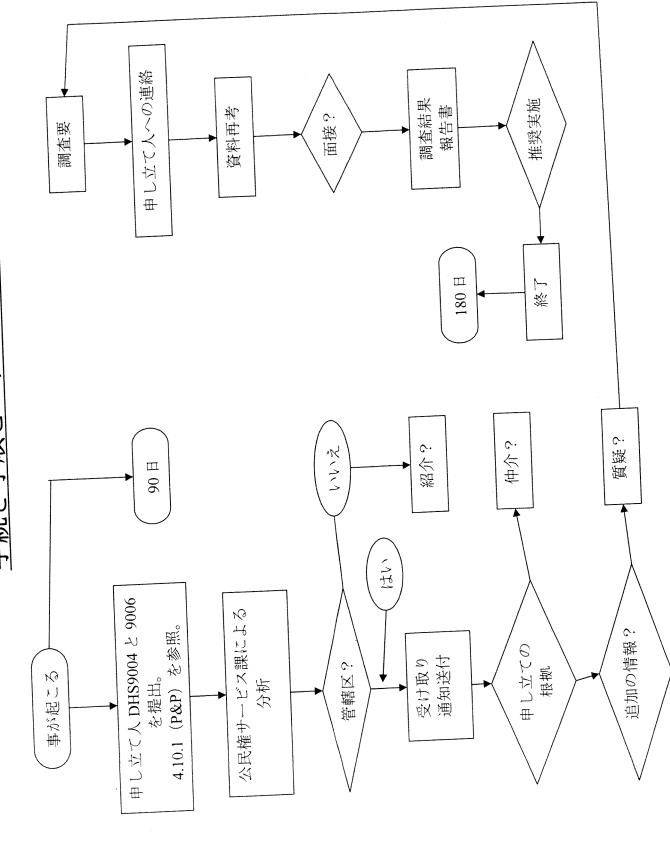
名前:		
住所:		
ar en la	- ノーシャルを記入。フォーム(	の一番下に署名、日付を記入下さい。
予備質疑や調査過程において、福祉 事が必要となるかもしれない事を理 下の要請を受け入れなければならな	Lサービス局公民権サービス課 理解しています。また公民権サー よい事も承知しています。福祉 送細を含む情報開示をしなけれ	が、調査されている組織内人物に私の身元を明かす ービス課が、情報行為およびプライバシーの自由法 サービス局が私の申立てに対しての予備質疑または ばならないかもしれないという事も理解しています。 権利を取得する為の申立て行為またはそれに参加し ーによって守られている事も理解しています。
もし同意する場合は線上にイニシ	組織内調査中の人物、またに 連邦・州機関に私の身元を明 私はここに私の申立てに対す 福祉サービス局に与えます。 療記録を含みますがこれらい に署名をして1年間有効です	売み理解し、福祉サービス局公民権サービス課に、 は局に財政援助をし、公民権準拠の監視責任がを持つ 別かす権限を与えます。 する調査に関連ある私の情報や資料を受け取る権限を この免除許可は申請書、事例記録、個人の記録、医 に限られている訳ではありません。この委任は委任書 に限られている訳ではありません。この委任は委任書 は、資料や情報が公認された公民権準拠、執行 しています。また私がこの免除許可公認が義務ではた 免除許可を自分の意志で承認しています。
もし否認する場合は線上にイニジ	を明かす事や、甲立て調質 取ったり話し合ったりする	は読み公民権サービス課に、調査中の組織に私の身元 Eに関連する資料や私に関する同意情報のコピーを受 ら事をして欲しくありません。これにより申立ての調 ことが困難になるという事、そして事例によっては調 のることになるかもしれない事を理解しています。
FB 5		日付
署名完了、署名、日付をしたフ	ォームを送付して下さい。:	State of Hawaii Department of Human Services PERS/CRCS P.O. Box 339 Honolulu, Hawaii 96809-0339
質問はこのアドレスまで:	gwatts@dhs.hawaii.gov	

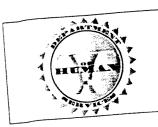
# ハワイ州 福祉サービス局 <u>苦情申し立て取り消しフォーム</u>

私 (氏名) は、ここに、 (日付) けで申し立てた苦情を取り消します。私は、以前情報開示の為に許可した全ての 無効とします。私は自らの意志によりこの承諾と調査要請を取り消し、苦情手紹 無効とします。私は自らの意志によりこの承諾と調査要請を取り消し、苦情手紹 れ以上取る事を望みません。私はこの苦情申し立て取り消しを左右するような保 では、若しくは利権は受け取っていません。	_ 付 ①承諾を 売きをこ 呆証、報
日付	
to large h	<b>問权</b> 1
注意: 何者も、公民権法上の権利を確保する為に措置を講じた者、若しくは 注意: 何者も、公民権法上の権利を確保する為に措置を講じた者、若しくは た者に対し、威嚇、脅迫、強制、または差別行為を行う事はしてはなりません た者に対し、威嚇、脅迫、強制、または差別行為を行う事はしてはなりません た者に対し、威嚇を受けた者は、苦情を適切な内部若しくは外部の機関に申立てを メントや威嚇を受けた者は、苦情を適切な内部若しくは外部の機関に申立てを でき、それら機関が状況正当化が出来れば申立ての調査をする事になります。	79 の事が
当てはまる全ての項目に印しを付け、署名、日付を記入し、下記住所まで送付	•
さい。 DHS, PERS/CRCS, P.O. Box 339, Honolulu, HI 96809-0339.	
	に対
私、末尾署名者は、 しての差別苦情申立ての取り消しを願います。なぜなら、	
1. もう解決したので、苦情申立て続行を望みません。.	
_ 2. 差別苦情がなくなったと考えます。	
2 今現在、資格のある恩恵を受け取っていまり。	
3. 今現在、資格のある恩恵を受け取っています。 4. 現法律の変更により恩恵を受け取る事が禁止されるという事を理解	しています。
3. 今現在、資格のある恩恵を受け取っています。 3. 今現在、資格のある恩恵を受け取る事が禁止されるという事を理解 4. 現法律の変更により恩恵を受け取る事が禁止されるという事を理解	しています。
3. 今現在、資格のある恩恵を受け取っています。 4. 現法律の変更により恩恵を受け取る事が禁止されるという事を理解 5日付	しています。

質問等はこのアドレスまで提出して下さい。 gwatts@dhs.hawaii.gov

# 福祉サービス局 差別苦情申し立て手続き手順とスケジュール





# STATE OF HAWAII DEAPRTMENT OF HUMAN SERVICES

# NUMBER

4.10.2 1 of 6

ISSUE/REVISION DATE

SEP 1 / 2007

# POLICIES & PROCEDURES

SUBJECT: HARASSMENT

OPR: PERSONNEL

## 1.0

To establish a policy that prevents harassment in the Department of Human Services, thereby fostering respect and enhancing the morale and efficiency of employees, applicants, potential applicants, and clients.

### REFERENCES AND DEFINITIONS 2.0

#### References 2.1

Civil Rights Act, Title VI and VII Age Discrimination in Employment Act Americans with Disabilities Act Hawai'i Revised Statutes Chapter 378-2, Part I and others

## 2.2

Harassment - Harassment based on a person's membership in a protected group (race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation, marital status, arrest and court record, income assignment for child support, national guard absence, uniformed service, breastfeeding, political beliefs or citizenship status) is unlawful when unwelcome behavior becomes so severe and pervasive that it alters a person's terms and conditions of employment, unreasonably interferes with work, or creates an intimidating, hostile or offensive environment.

(Behavior that does not meet this definition may be addressable by changes in management practices or by corrective action under other personnel policies.)

Sexual Harassment - Unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, is unacceptable when:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of services;
- submission to or rejection of such conduct by an individual is used as
  the basis for employment or receipt of services decisions affecting
  said individual; or
- such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment.

Examples of verbal sexual harassment might include, and are not limited to, offensive and derogatory comments, jokes of an offensive nature, innuendoes, unwelcome repeated requests for dates or obscene or graphic descriptions of an individual's body, and threats made to a person who refuses a sexual advance.

Examples of non-verbal sexual harassment may include, and are not limited to, sexually suggestive or offensive objects or pictures, written comments, suggestive or offensive sounds, whistling, catcalls or obscene gestures.

Sexual harassment with respect to terms and conditions of employment might include treating a person differently when that individual refuses a sexual advance. Examples of such disparate treatment include, and are not limited to, limiting benefits which other employees presently receive

and enjoy, refusing to grant a promotion, giving someone a negative evaluation which does not reflect that person's actual performance, and demoting or terminating a person.

Sexual harassment with respect to provision of services might include treating an applicant, potential applicant, service provider, contractor or client differently when that individual refuses a sexual advance.

# 3.0 POLICY

All employees and applicants for employment or services shall be entitled to an environment free of discrimination, including harassment. Harassment based on a person's membership in a protected group is strictly prohibited, and will not be tolerated at DHS.

## 4.0 SCOPE

This policy applies to all departmental organizational units, employees, clients, applicants, and potential applicants for employment and services, service providers, and contractors. This also includes individuals subjected to unlawful harassment because of their association with persons who are protected by anti-discrimination law.

# 5.0 RESPONSIBILITIES

# 5.1 Managers and Supervisors

Managers and supervisors shall ensure an environment that is free from discriminatory practices relating to harassment and discrimination.

Managers and supervisors, who witness or receive reports of harassment, shall take immediate and appropriate action to ensure that the harassment ceases.

Managers and supervisors shall conduct an inquiry and/or investigation of complaints of alleged harassment.

Supervisors will ensure consistent application of the Department's Harassment policy and method of administration in the unit's provision of programs, services, contracts with service providers, and/or activities to the public.

# 5.2 Employees

Employees are expected to conduct themselves appropriately while at work and during work-related functions. Employees who experience or observe any job-related harassment or believe they have been treated in a disrespectful manner, have a duty and responsibility to report the incident(s) in order to correct and prevent harassment.

## 6.0 PROCEDURES

Complainants should follow the appropriate DHS Departmental Discrimination Complaint Procedure (P&P Manual 4.10.1 or 4.10.3) when filing complaints of harassment which are discriminatory in nature. In implementing this policy and procedure, the following shall apply.

# Confidentiality

Confidentiality will be maintained to the extent possible to successfully conduct a thorough investigation. Information regarding the complaint will be shared with appropriate individuals on a "need to know" basis. Complainants will be asked to sign a consent/release form indicating their consent or denial of consent to release information. (Appendix A)

## Retaliation

The Department of Human Services prohibits retaliation against any individual, who files a complaint of harassment, participates in complaint proceedings or who otherwise opposes acts of harassment.

# Violations of Policy

Employees who violate this policy shall be subject to disciplinary action in accordance with the respective collective bargaining agreement and related DHS Policies.

Disciplinary action shall be designed to correspond with the seriousness of the action, and be reasonably calculated to stop the harassment and to ensure that the harassment will not recur.

#### **IMPLEMENTATION** 7.0

This policy shall be effective as of the date of approval and shall remain in effect until cancelled or superseded.

APPROVED: # Director
DATE:

DATE:

# Behaviors that contribute to perceptions of harassment:

## Unlawful:

Unwelcome behavior that becomes so severe and pervasive that it:

- o alters person's terms and conditions of employment
- o unreasonably interferes with work OR
- o creates an intimidating, hostile or offensive environment

Such as: treating a person differently (disparate treatment)

- avoidance
- failure to provide scheduled pay increases based on factors other than performance
- negative evaluation/s not based on performance
- changing duties and/or expectations based on other than business necessity
- threats of any kind

# Misconduct Behaviors: (require corrective actions)

#### Verbal

- o verbal comments such as offensive or derogatory remarks (honey, babe)
- o sexually explicit anecdotes, questions or jokes (applies to religious jokes too)
- o innuendoes
- o pressure for sexual activity
- o unwelcome repeated requests for dates
- o remarks of a sexual nature about a person's clothing or body
- o obscene or graphic descriptions of an individual's body
- o threats of any degree

(Please note that individuals who might have been victims of child abuse, rape or domestic violence could have adverse reactions to seemingly innocent remarks and/or non-verbal behavior that might trigger thoughts of past experiences.) Be sensitive to the needs of others.

### Non-verbal

- o suggestive or offensive objects, pictures, sounds (whistling, catcalls) or obscene gestures.
- o touching, patting, hugging or brushing against a person's clothing or body
- o unwarranted, continuous starring or stalking

ALL EMPLOYEES ARE EXPECTED TO CONDUCT THEMSELVES IN A MANNER THAT REFLECTS SENSITIVITY AND RESPECT FOR PEOPLE WITH DIVERSE NEEDS AND BACKGROUNDS.

# EXAMPLES OF SEXUALLY HARASSING BEHAVIORS

It is not necessary to prove that physical harassment occured. It is sufficient to demonstrate that a "hostile" or "offensive working environment" was created by unwanted or unwelcome behaviors which have affected work performance.

TYPES OF HARASSMENT	KINDS OF BEHAVIORS
TYPE ONE (Quid Pro Quo)	Actual sexual contact
Sexual coercion that brings harm or affects conditions of employment	Termination, failure to hire, failure to promote or grant work-related privileges or assigning an unfair workload or deadline when an employee/applicant rebuffs sexual advances
	Promise of a work-related benefit in return for sexual favors
TYPE TWO (Hostile Environment)	
Behaviors that may contribute to a hostile environment	
A. Physical Behaviors	Grabbing, squeezing or pinching
	Touching the person's clothing, hair, or body
	Hugging, kissing, patting on the head or stroking
	A hand on the shoulder or arm when talking or giving instructions
	Giving a neck or shoulder massage
	Hanging around a person
	Standing close or brushing up against a person
	Following a person
	Blocking a person's path
B. Verbal Behaviors	Whistling at someone, cat calls
	Making comments of a sexual nature

Turning work discussions to sexual topics

# EXAMPLES OF SEXUALLY HARASSING BEHAVIORS

B. Verbal Behaviors (cont'd)

Asking about sexual fantasies, preferences or history

Asking personal questions about social/sexual life

Making sexual comments about a person's clothing, anatomy, or looks

Repeatedly asking out a person who is not interested

Making kissing sounds, howling, smacking lips

Telling lies or spreading rumors about a person's personal sex life

Making sexual comments or innuendos

Telling sexual or off-color jokes or stories

Concentrating on a person's appearance, rather than accomplishments

C. Nonverbal Behaviors

Eyeing a person up and down

Staring at someone

Giving personal gifts

Making facial expressions such as winking, throwing kisses or licking lips

Making sexual gestures with hands or through body movements

Posting pictures of scantily clad women or men on office walls

Cartoons on bulletin boards or at a person's workstation that are sexually offensive

Obscene gestures

Displaying sexually suggestive visuals

Touching or rubbing oneself sexually around another person



## **HARASSMENT**

AUTHORITY: Section 703 of Title VII\* of the Civil Rights
Act of 1964, as amended, among others

\* Principles apply to sexual harassment and/or harassment based on race, color, religion, disability, or national origin (including Limited English Proficiency).

## SEXUAL HARASSMENT CONSTITUTES: (for example)

- 1. Unwelcome sexual advances
- 2. Requests for sexual favor/s
- 3. Other verbal or physical conduct of a sexual nature, including jokes and is unlawful when:
  - a. Submission is made, either explicitly or implicitly, a term or condition of employment or DHS services
  - b. Submission to or rejection of such conduct is used as the basis for employment or benefits decisions affecting an individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with work performance or services or creating an intimidating, hostile, or offensive DHS working or service environment

If you encounter harassment of any type (including bullying).....

CONTACT THE CIVIL RIGHTS COMPLIANCE OFFICE at:



State of Hawaii
Department of Human Services
Personnel Office

Civil Rights Compliance Staff P. O. Box 339 Honolulu, HI 96809-0339

Phone: (808) 586-4955 7:45 a.m.-- 4:30 p.m. Monday Through Friday

## Behaviors that contribute to perceptions of harassment:

## Unlawful:

Unwelcome behavior that becomes so severe and pervasive that it:

- o alters person's terms and conditions of employment
- o unreasonably interferes with work OR
- o creates an intimidating, hostile or offensive environment

Such as: treating a person differently (disparate treatment)

- avoidance
- failure to provide scheduled pay increases based on factors other than performance
- negative evaluation/s not based on performance
- changing duties and/or expectations based on other than business necessity
- threats of any kind

## Misconduct Behaviors: (require corrective actions)

### Verbal

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- o sexually explicit anecdotes, questions or jokes (applies to religious jokes too)
- o innuendoes
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- o remarks of a sexual nature about a person's clothing or body
- o obscene or graphic descriptions of an individual's body
- o threats of any degree

(Please note that individuals who might have been victims of child abuse, rape or domestic violence could have adverse reactions to seemingly innocent remarks and/or non-verbal behavior that might trigger thoughts of past experiences.) Be sensitive to the needs of others.

## Non-verbal

- o suggestive or offensive objects, pictures, sounds (whistling, catcalls) or
- o touching, patting, hugging or brushing against a person's clothing or body
- o unwarranted, continuous starring or stalking

ALL EMPLOYEES ARE EXPECTED TO CONDUCT THEMSELVES IN A MANNER THAT REFLECTS SENSITIVITY AND RESPECT FOR PEOPLE WITH DIVERSE NEEDS AND BACKGROUNDS.

## EXAMPLES OF SEXUALLY HARASSING BEHAVIORS

It is not necessary to prove that physical harassment occured. It is sufficient to demonstrate that a "hostile" or "offensive working environment" was created by unwanted or unwelcome behaviors which have affected work performance.

unwanted or unwelcome behavior	
TYPES OF HARASSMENT	KINDS OF BEHAVIORS
	Actual sexual contact
TYPE ONE (Quid Pro Quo)	sailure to promote of
Sexual coercion that brings harm or affects conditions of employment	workload or deadline when an employee/applicant rebuffs sexual advances
	Promise of a work-related benefit in return for sexual favors
TYPE TWO (Hostile Environment)	
Behaviors that may contribute to a hostile environment	
	Grabbing, squeezing or pinching
A. Physical Behaviors	Touching the person's clothing, hair, or body
	Hugging, kissing, patting on the head or stroking
	A hand on the shoulder or arm when talking or giving instructions
	Giving a neck or shoulder massage
	Hanging around a person
	Standing close or brushing up against a person
	Following a person
	Blocking a person's path
B. Verbal Behaviors	Whistling at someone, cat calls
D. VEIDUI DOILE	Making comments of a sexual nature
	Turning work discussions to sexual topics

## EXAMPLES OF SEXUALLY HARASSING BEHAVIORS

## B. Verbal Behaviors (cont'd)

Asking about sexual fantasies, preferences or history

Asking personal questions about social/sexual life

Making sexual comments about a person's clothing, anatomy, or looks

Repeatedly asking out a person who is not interested

Making kissing sounds, howling, smacking lips

Telling lies or spreading rumors about a person's personal sex life

Making sexual comments or innuendos

Telling sexual or off-color jokes or stories

Concentrating on a person's appearance, rather than accomplishments

## C. Nonverbal Behaviors

Eyeing a person up and down

Staring at someone

Giving personal gifts

Making facial expressions such as winking, throwing kisses or licking lips

Making sexual gestures with hands or through body movements

Posting pictures of scantily clad women or men on office walls

Cartoons on bulletin boards or at a person's workstation that are sexually offensive

Obscene gestures

Displaying sexually suggestive visuals

Touching or rubbing oneself sexually around another person



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## **POLICIES & PROCEDURES**

OPPORTUNITY TO PARTICIPATE IN PROGRAMS, SERVICES SUBJECT:

AND ACTIVITIES

OPR: PERSONNEL OFFICE

#### **PURPOSE** 1.0

To establish guidelines to ensure that all persons are provided with an opportunity to participate in, and benefit from, programs, services, and activities administered by the Department of Human Services.

#### REFERENCES AND DEFINITIONS 2.0

#### REFERENCES 2.1

Title VI of the Civil Rights Act

Americans with Disabilities Act

U.S. Department of Health and Human Services, Office for Civil Rights, Policy Guidance: Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency

Food Stamp Act

Hawaii Revised Statues, Chapter 489

Hawaii Revised Statutes, Chapter 368, 1.5

Hawaii Revised Statutes, Chapter 371, Part II, 371-31 to 37 Language Access

Hawaii Administrative Rules, Title 11, Chapter 218, Utilization of Sign

Language/English and Oral Interpreter Services

Administrative Directive 07-01, Equal Opportunity to Participate in Programs and Services

#### **DEFINITIONS** 2.2

Auxiliary aids and services - A wide variety of equipment, materials and personal services that may be used to provide effective communication for a. people who have visual, hearing, speech or cognitive disabilities.

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#### **POLICIES & PROCEDURES**

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- b. Department- Department of Human Services
- c. Director Director of the Department of Human Services
- d. Interpreter A sign or other language interpreter who has the knowledge, skills, and abilities to interpret in more than one language.
- e. Limited English Proficient (LEP) An LEP individual is a person who is unable to speak, read, write or understand the English language at a level that permits him or her to interact effectively with health and social service agencies and providers.
- f. Organizational Units All administratively attached agencies, staff offices and divisional segments that comprise the Department.
- g. Person with a Disability An individual who has a physical or mental impairment that substantially limits one or more of the person's major life activities, has a record of such impairment, or is regarded as having such impairment.
- h. Service Provider A person, or a group of persons, an agency, organization, institution, political subdivision, that delivers a program, service or activity with federal or state financial assistance through contractual, licensing or other arrangements with the Department.

### 3.0 POLICY

It shall be the policy of the Department of Human Services to provide all persons with an equal opportunity to participate in, and benefit from, all departmental programs, services and activities. Affirmative Action goals will be set as needed.



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## 3.1 Services Provided by Contractors or Sub-recipients

- a. This policy extends beyond those programs, services and activities administered directly by the Department. This policy applies to all contractors, service providers and other sub-recipients that receive federal and state funds that provide services on behalf of the Department.
- b. The Department or its organizational units will not approve any application for or make any expenditures of federal or state funds for the establishment, conduct or continuation of any program or activity, until the service provider furnishes an assurance in writing to comply with all of the requirements imposed by, or pursuant to, the applicable federal and state laws and regulations.
- c. Each program will be responsible for securing that written assurance of compliance and for monitoring the service delivery practices of the service provider to ensure compliance with the applicable laws, regulations and this policy.

#### 3.2 Dissemination of Information

- a. Programs shall inform clients, applicants, potential applicants, and related program participants, that the Department's programs, services and activities are provided in a manner that is free of discriminatory practices. Additionally, such individuals shall be informed of their right to file a complaint with the Department or appropriate enforcement agency.
- b. All such information and assurance of compliance statements, shall be included as a provision in all contracts, grant assignments, licensing agreements, and other similar documents that are used in the administration of programs, services and activities of the Department of Human Services.



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### 3.3 Maintenance of Records and Reports

- a. The Department will maintain such records and submit such reports as may be required by federal or state agencies to assure compliance with the regulations.
- b. The Department will require such program, agency or facility receiving federal or state financial assistance directly or through contractual, licensing or other arrangements with the Department, to maintain and submit those records and reports deemed necessary to determine compliance.

#### 3.4 Comparable Level of Service

- a. The Department shall take the necessary steps to ensure that resources are available to provide all persons with an equal opportunity to participate in the programs, services and activities administered by the Department. The level of service shall be equally effective as that provided to the general public. Accordingly, each program, service or activity shall be responsible to ensure that:
  - no person is denied program services or benefits because of the person's inability to communicate in the English language; or due to a disability; and
  - 2. each unit employee shall arrange for a sign or language interpreter for anyone requiring such accommodation in order to access benefits or services.
- b. To promote a comparable level of service to that provided the general public, programs or activities that have substantial participation of LEP persons or persons with disabilities, shall take the necessary steps to furnish vital program information and notices in the appropriate languages. or in alternate format.



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- c. To ensure that all persons are provided an opportunity to participate in, and benefit from, our programs, services and activities, we must eliminate barriers that may preclude meaningful access for otherwise qualified individuals who might have special needs. In particular persons with disabilities and those with limited English skills might require assistance to access and participate in our programs, services and activities.
  - 1. Providing Access for Persons with Disabilities

Federal and State laws such as the Americans with Disabilities Act, the Rehabilitation Act and the Hawaii Revised Statutes, 371 and 268 prohibit discrimination against individuals with disabilities.

Further it is the policy of the State of Hawaii that, "no qualified individual with a disability is excluded from participation in, denied the benefits of or is otherwise subjected to discrimination by any program, service or activity of the State of Hawaii on the basis of disability."

In keeping with this policy and to meet our obligation under the law as well as benefit from the ideas and efforts of individuals with disabilities, the DHS shall take the following actions:

- (a) Make reasonable modifications to our policies, procedures and practices, to ensure that persons with disabilities are not excluded from participation;
- (b) Provide auxiliary aids and services (i.e., Sign and other language interpreters/translators, TDDs, telephone relay service, large print, Braille, audiocassette, transcribers and so forth) to ensure effective communication access for persons with disabilities, taking into consideration the requesting individual's preference; and
- (c) Ensure our offices that serve the public on a regular basis are accessible. If this is not readily achievable, services shall be programmatically accessible to qualified individuals.



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SUBJECT: OPPORTUNITY TO PARTICIPATE IN PROGRAMS, SERVICES AND ACTIVITIES

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2. Providing Access for Limited English Proficient (LEP) Persons

Title VI of the Civil Rights Act states, "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The exclusion of LEP persons from our programs because of their inability to communicate in English, could be considered a form of national origin discrimination.

In order to comply with Title VI and to benefit from the opportunities to serve LEP persons as well as ensure that they are free from discriminatory practices, we must take the following steps to assure that all eligible persons with LEP have meaningful access to benefits and services we provide.

- (a) Ensure that LEP persons are informed of their right to be provided with interpreter and/or translation services free of charge.
- (b) Translate written materials that are routinely provided in English into regularly encountered languages other than English. It is particularly important to translate vital documents such as applications, consent forms and notices regarding denial or changes in benefits into other languages.
- (c) Contact qualified individuals and organizations, profit and/or non-profit, such as educational institutions, religious organizations, community entities, when interpreter and/or translation services are needed. Utilize qualified bi-lingual staff as well as other qualified multi-lingual individuals who have volunteered to serve as interpreters and/or translators.



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(d) Utilize technology effectively to promote communication and understanding about programs.

Discrimination will not be tolerated by the DHS. We have an opportunity and obligation to provide services through processes that are free of discriminatory practices.

Employees who engage in discriminatory conduct shall be subject to disciplinary action in accordance with the applicable personnel rules and regulations and/or bargaining unit agreement.

#### 4.0 SCOPE

This policy and procedure applies to all departmental organizational units and administratively attached agencies, employees, clients and potential clients, service providers and contractors.

## 5.0 <u>RESPONSIBILITIES</u>

#### 5.1 Director

Ensure that all programs, services and activities administered by the Department are provided in an environment free of discriminatory practices.

## 5.2 Civil Rights Compliance Staff (CRCS)

- a. Develops, coordinates, monitors and maintains all departmental programs related to civil rights and access to services, in accordance with the appropriate federal and state laws and regulations.
- b. Develops and implements policies and procedures relative to providing an opportunity to participate in programs, services and activities.
- c. Provides technical assistance and staff support to the Director, Deputy Director and supervisory personnel in matters concerning non-discrimination in the provision of services.



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- Investigates complaints of discrimination in accordance with section 4.10.1 of this Policy and Procedure Manual.
- e. Establishes and maintains a Volunteer Interpreter List of employees and disseminate to each program or activity. The list shall be updated on a semi-annual basis.
- f. Works in consonance with personnel in staff offices and divisions on matters relating to equal opportunity in the provision of services.
- g. Negotiates settlements for, or submits recommendations to the Director for review.

## 5.3 Executive Director/Staff Officers/Division Administrators

- a. Ensures programs are provided in a non-discriminatory manner to all eligible persons.
- b. Coordinates the Department's compliance programs, services and activities as they relate to their respective organizations.
- c. Provides direct assistance to the Civil Rights Compliance Officer in civil rights-related matters as deemed necessary.
- d. Disseminates list of volunteer employee interpreters to their respective organizational units.
- e. Notifies prospective and actual applicants and clients of their right to interpreter and other services at no cost, in order to ensure access to all departmental programs, services and activities.



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## 5.4 Program Administrators (includes Division, Branch and Section)

a. Identifies the language and access needs of their clientele, and persons in the community likely to be affected by their program. Further, they are responsible for planning and administering the program, service or activity in a manner that does not openly result in, or have the effect of, treating a person or a group of persons unfairly.

## 5.5 Supervisors

- a. Supervisors must ensure the consistent application of the Department's non-discrimination policy and method of administration in the provision of programs, services and/or activities to the public.
- b. Inform each employee of the procedures to provide meaningful access to all individuals, including LEP persons and people with disabilities.

## 5.6 Employees

- a. Implement and consistently apply the Department's non-discrimination policy and method of administration in the performance of their jobs. This includes, and is not limited to:
  - assisting a client, applicant or potential applicant in order to provide meaningful access to programs, services and activities provided by the Department.
  - 2. explaining to applicants, potential applicants and clients their rights, including the right to language assistance, access and the right to file a complaint;
  - 3. providing auxiliary aids and services and materials in alternate format when requested by a person with a disability; and
  - 4. assisting a person in the complaint process.



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b. Inform clients and applicants of the availability of language assistance, auxiliary aids and services and the provision of materials in alternate format.

c. Arrange for a sign or other language interpreter on behalf of the requesting LEP individual and hearing impaired individual, respectively.

#### 6.0 PROCEDURES

- 6.1 Access to Programs, Services and Activities by LEP Persons
  - a. Oral Interpreters
    - 1. When a request for an interpreter is made either orally or in writing, the employee shall determine whether bi-lingual staff in the office or a nearby unit is available who speaks the language being requested.
    - 2. When bi-lingual staff is not available, the employee shall contact a language agency to provide interpreter services.
    - 3. The employee shall contact the language agency at least two weeks before the scheduled appointment with the requesting LEP person. Provide the following information to the language agency:
      - (a) requesting employee's full name and telephone number
      - (b) department, unit and address;
      - (c) employee's telephone number;
      - (d) language needed;
      - (e) client's full name;
      - (f) date and time of appointment;
      - (g) purchase order number
    - 4. Employees may ask the language agency interpreter to call the LEP individual to inform him/her of the scheduled appointment.



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- 5. Upon completion of the appointment, an Encounter Form provided by the interpreter is completed and signed by the departmental employee and the interpreter. Information on the form includes the end time of the appointment, the nature of the encounter, and the interpreter's full name and signature.
- The employee may cancel the request for interpreter, however, if the interpreter is not contacted in time, the Department will be charged a minimum of one hour even though no services are provided.
- 7. When the above alternatives are not possible or practicable, the employee shall contact a volunteer interpreter from the Volunteer Interpreter List, which is disseminated by CRCS.
  - (a) The requesting employee shall determine first whether interpreting by the volunteer employee may be informed via telephone to minimize the time the volunteer spends interpreting and away from his/her regular duties.
  - (b) If possible, volunteer interpreters should be familiar with the program for which interpretation is needed.
- 8. Telephone interpreter services are available for brief encounters as are video phones and voice recognition packages. Programs shall have internal divisional procedures for utilization of such services.

## b. Translated Materials

 Division Administrators and Staff Officers shall determine what informational program materials and vital documents shall be translated into languages other than English. This determination shall be based on guidelines set forth in the U. S. Department of Health and Human Services, Office for Civil Rights, Policy Guidance: Title VI Prohibition Against National Origin Discrimination as it Affects



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Persons with Limited English Proficiency. Policy Guidance can be obtained from the CRCS or the Director, DHS website, <a href="https://www.dhs.hawaii.gov">www.dhs.hawaii.gov</a>.

- 2. Executive Director/Staff Officers/Division Administrators shall also assess the language needs of their respective project areas to determine the languages that will be translated, to ensure meaningful access to the language groups of people eligible to be served or likely to be affected by the program.
- 6.2 Access to Programs, Services and Activities by Persons with Disabilities
  - a. Program Access

Programs are required to operate in such a manner that, when viewed in their entirety, are readily accessible to persons with disabilities. This means making reasonable modifications to program policies, procedures and practices to ensure that persons with disabilities are afforded an opportunity to participate in programs, services and activities of the Department.

Modifications include, and are not limited to:

- 1. making home visits in lieu of office visits;
- 2. conducting interviews over the telephone rather than in person; and
- 3. providing services in an alternate accessible site without compromising confidentiality.

Programs shall not modify policies, procedures or practices if it is determined that a modification would result in a fundamental alteration to the program or create an undue financial or administrative burden. In such situations, the program shall consult with the CRCS to ensure compliance with the applicable laws, rules, regulations and this policy.



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#### b. Communication Access

The Department shall ensure that persons with communication disabilities have a means of communication that is as effective as that provided to persons without disabilities. Programs shall provide an effective means of communication with people who have hearing, visual, speech or cognitive disabilities by providing auxiliary aids and services. Programs shall take into consideration the preferences of the requesting individual when providing an auxiliary aid or service.

Programs shall not provide an auxiliary aid or service if it will fundamentally alter the program or create an undue financial or administrative burden. Under these circumstances, the program shall consult with CRCS to ensure compliance with the applicable laws, rules, regulations and this policy.

### 1. Hearing Impairments

Examples of auxiliary aids and services for people who are hearing impaired include, and are not limited to:

- qualified interpreters
- note takers or computer assisted note takers
- written material
- real-time transcription or video text displays
- amplified and hearing aid compatible telephones
- assistive listening devices
- open and closed captioning
- · caption decoders
- TTYs (teletypewriters), TDDs (telephone devices for the deaf), or TTs (text telephones)
- (a) Procedures for Obtaining Qualified Sign Language Interpreters

Departmental staff shall obtain a qualified sign language interpreter in accordance with Hawaii Administrative Rules Title 11, Chapter 218.



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Interpreters shall be nationally-certified or hold a local certification awarded by a local screening agency.

Appropriate certification level of the interpreter will depend on the nature of the meeting or appointment.

When it is determined that a sign language interpreter is necessary for effective communication, the requesting employee shall contact an interpreter referral service agency with the following information to obtain a sign language interpreter:

- (1) requesting employee's full name
- (2) employee's telephone number
- (3) location of meeting
- (4) purpose of the meeting
- (5) date of appointment
- (6) start and stop time
- (7) interpreter preference of hearing impaired individual
- (8) on-site contact person and telephone number (if different from requesting employee.)

## 2. Visual Impairments

Examples of auxiliary aids and services for people who have visual disabilities include, and are not limited to:

- printed information on tape cassette or computer diskette, in Braille, or large print, or read by skilled readers;
- verbal description of action and visual information to enhance the accessibility of performances and presentations; and
- a staff member serving as a guide to enable a person who
  has limited vision to locate items or to find his or her way
  along an unfamiliar route.



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## 3. Cognitive Impairments

Examples of auxiliary aids and services for persons with cognitive impairments, include and are not limited to:

- readers
- communication assistants
- rewording of information to use clear and concise language
- pictograms
- graphic presentation of information

## 4. Speech Impairments

Examples of auxiliary aids or services to persons with speech impairments include, and are not limited to:

- written material
- more active and acute listening on part of listener
- communication assistants who are familiar with person's speech
- typewriter, TTYs or TDDs.

## c. Physical Access

The Department shall ensure that all programs, services and activities, when viewed in their entirety be accessible to persons with disabilities. This includes ensuring all DHS offices that serve the public are structurally accessible to persons with disabilities, in accordance with administrative directives related to facility access.

## State Buildings

Programs shall work with the DAGS, Planning Branch, and the Fiscal Management Office to ensure that existing state buildings are upgraded, when necessary, to meet minimum access requirements. If this is not readily achievable, Programs shall assure that access is achieved programmatically.



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### 2. Leased Facilities

The Department shall lease office space in accordance with Comptroller's Memoranda, Policy Guidance and Procedures for Leasing Office Space to Ensure Program Access for Persons with Disabilities.

The Department shall ensure that organizational units in leased facilities are accessible to persons with disabilities. The programs shall work with the DAGS, Leasing Branch, when negotiating a new lease or lease renewal.

Administrators and Unit Supervisors or a designee shall accompany DAGS in a walk-thru of a prospective leased facility. The programs shall utilize the survey tool provided by DAGS when performing site assessments to determine whether or not the facility meets minimum access requirements.

## 7.0 IMPLEMENTATION

With the approval of this policy statement and procedures by the Director, the Department's access policy and method of administration shall be implemented and will remain in effect until such time it is cancelled or superseded by order of the Director.

This part shall supersede any prior directive concerning access to programs, services and activities. Authorized modifications of content will not affect the life of these policies and procedures, unless so specified by the Director.

Approved:

Directo

Date:

**SEP** 1 7 200

## REQUEST FOR ACCOMMODATION DEPARTMENT OF

	Date of Request	
Please Check One:	I am an	
	□ Employee	
equester's Name:		
lass of Work or Position	n Title and Level:	
Vorksite Address:	Worksite/Day Phone:	
	APPLICATION  (Application to be completed by employee/applicant)	age que dan des ente ente ente ente ente una que
. I am requesting the	following accommodation(s):	
. It is necessary for r	ne to have this accommodation for the following reasons:	•
lequeser's Signature	Date	
	DETERMINATION	
Your requ	est of for an accommodation has been	en:
Approved	ACCOMMODATION(S) PROVIDED:	page and the state of the state
Disapproved	REASON(S) DENIED:	
10) business days of the Please call me at	determination, you may present additional information to date that this determination is made to further substantiate to discuss the above decision.	me within ten te your request
(10)	spinone/one/	
Appointing Authority's Sign	ture Date	

#### General Instructions

This form is meant to simplify the processing and recording of requests for accommodations.

## REQUEST FOR ACCOMMODATION form (optional)

## General Information: To be completed by employee or applicant making request. Department of: Enter the name of the department this request is made at.

Date of Request: Enter the date this application for request is made.

I am an: Check only one. Employee includes new appointee or applicant which has accepted an offer of employment.

Requester's Name: Self explanatory. Enter the name the requester is using for employment with the State.

Class of Work or Position Title and Level: If an employee enter information on position held else if an applicant enter information on the position you are applying for.

Division/Section/Unit: Enter only if employee of the State.

Worksite Address: Enter only if employee of the State.

Worksite/Day Phone: If an employee enters worksite phone number else applicant enter phone number we can contact you during the day.

## Application: To be completed by employee or applicant making request.

Requesting accommodation(s): Describe what requester believes is needed. Reasons: Describe the disability and functional limitations which make this request 2.

Requester's Signature: Self explanatory. Date: Enter the date application is signed.

## Determination: To be completed by the Appointing Authority of the Department receiving the request.

Date of Request: Enter date of signature. Approved/Disapproved: Check one only.

Accommodations provided: If approved, enter accommodation to be provided.

Reason(s) Denied: Enter reasons request denied. Be specific.

Telephone/ext.: Enter appointing authority's voice and TT access as appropriate.

Appointing Authority's Signature: Self explanatory. (Signature of supervisor or higher level designee as specified by department head.)

Date: Enter date of appointing authority's signature of action.

## FOR INTERNAL USE ONLY

Submit for internal action only is	request is unreasonable or	presents a har	rdship on the e	mployer.
			•	_

## FOR INTERNAL LISE ONLY

FOR INTERN	AL USE ONLY
Date Request Received: Final Decision: Action Taken:	
Comments:	Date of Final Decision:
Examiner/Supervisor's Name:	Date Notice Sent:

#### Some possible LEP Resource People

#### E-mail addresses:

<u>LLaglagaron@migrationpolicy.org</u> or <u>MFix@migrationpolicy.org</u> Michael Fix, Migration Policy Institute

<u>ILee@aecf.org</u> Irene Lee, Annie E. Casey Foundation

djang@apiahf.org
Deeana Jang, Asian Pacific Islander American Health Forum

<u>Thomas.Lee@sfgov.org</u>
Thomas Lee, San Francisco Office of Language Translation Services

<u>Jeanne\_zarka@sfgov.org</u>
San Francisco Human Services Agency

Mark.Lewis@dfa.state.ny.us

Mark Lewis, New York City Administration for Children's Services

PHatch@dhr.state.md.us
Patricia Hatch, Maryland Office for New Americans

## Some websites that might be helpful:

http://www.migrationpolicy.org

http://www.usda.gov

http://www.doj.gov

http://www.hhs.gov

**EEO Posters** can be ordered on line at <a href="http://www.eeoc.gov">http://www.eeoc.gov</a> or

Equal Employment Opportunity Commission P. O. Box 541 Annapolis Junction, MD 20701-0541

Justice for All Posters can be downloaded form USDA/FNS website



## Attachment B

## Sample Form for Collecting LEP Information

This form is to be completed by DHS staff providing services to or encountering a person with Limited English Proficiency. Please complete one LEP form for each person served or encountered.

encountered.	1/1 9
÷	_ Date:
Staff Name: Jo Slow Noc Roll b	Office: OAhu-Ho
Division: Noc. Rehab	
Name of LEP person if known:	
1. What is the primary language spoken by the LEP inc.	dividual?
(i.e., Mandanii, Caristino )	, Korean, Samoan, 3337
CANTONESE	ided this person?
2. List the dates and types of program services you p  (i.e. program information, processed application, decisions notification)	ation, job placement, etc.)
(i.e. program information, product of program service provided within the same as non-life clients?	time frame as services provided
2 Was the program service provided within the same	tille iraine as
to non-LEP clients?  YesNo (If no, please indicate whether the	delay was due to need for
Yes LEP assistance?)	v p v Q T e V
Yes	tor this individual?
4. How often did you provide services to or enco	ounter time man
(i.e., one time event, westry,	·
$\mathcal{L}_{\mathcal{L}}$	ie narson?
5. What type of LEP services did you provide the (i.e., oral interpretation in person or by phone, written translation)	on, none, etc.)
(i.e., oral interpretation in passing phone	
6. Who provided the interpreter services?  (i.e., multilingual staff, contracted interpreter, telephone interpreter, telephone interpreter, etc.)	reter service, community volunteer, LEP
(i.e., multilingual staff, contracted interpreter, etc.) person's family member, friend, own interpreter, etc.)  Telephone interpreter	Sorvica
7. Was this person satisfied with the interprete	er services provides
Yes No (if No, please explain the dissa of this sheet if needed)	tisfaction, Use reverse side
Yes No (if No, please explain the office of this sheet if needed)	Complain.
Yes No (if No, please explain of this sheet if needed)  X do not Know did	NOT COM!

SAMP LE

Oral Translation Services Log

For the Month ending August 2007

Division/Office: Bessp

Project Code (if applicable):

		Chat Time	The Time	The Time Originating Phone #	- Annan
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5	17 365 4054 1821.				

Comments from LEP clients or their representative(s) regarding quality of services provided:

Thank you need further Assistance
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Approved by: kliil Date: 8/31/07

"E"

## Limited English Proficiency (LEP) Division/Office Report

For: July 1, 2007—December 1, 2007

Form to be completed and submitted to DHS, Civil Rights Compliance Staff, no later than December 1 of each year. The information will be used to determine (among other things) the number of LEP persons requiring translation services and types of languages needing translated. DHS,CRCS, will utilize the questionnaire to gather more detailed information necessary to enable DHS to provide meaningful access to LEP clients.

Division/Office: Contact Person	
Total LEP Persons:	Number Served
Methods used to Inform LEP Persons of LEP Information	Yes or No
Language identification flashcard Posters informing LEP persons of language services	
Outreach documents in other languages TeleInterpreters Services	
Multilanguage mailer inserts  LEP information on website  Other:	
Types of Documents Translated:	Yes or No
Applications	
Agendas/Minutes	
Letters or notices regarding public meetings	
Complaint forms	
Other:	
Number of complaints filed due to language access issues:	Number of Grievances or Complaints
Please indicate number of grievances and/or complaints your division or office handled during the report period because of language access issues. Please also provide below or on an attachment the date filed and a short description of the issue.	

## **Self-Identification**

Date_	Position #Code GenderFM
discrim employ reports used for	epartment of Human Services' (DHS) is committed to creating an environment that is free of inatory practices. Civil Rights responsibility is a shared responsibility among supervisors, rees, clients and applicants for employment and services. These responsibilities require periodic by race/ethnicity, national origin, gender, disability and status as a veteran. The information is or statistical purposes only and is voluntary. The information is kept confidential and will not be any way to evaluate you.
1.	Are you American Indian or Alaska Native?YesNo (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.)
2.	Are you Asian?Yes No  (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)
3.	Are you Black or African American?YesNo (A person having origins in any of the black racial groups of Africa.)
4.	Are you Hispanic or Latino?YesNo (A person of Cuban, Mexican, Puerto Rican, South or Central American, other Spanish culture or origin, regardless of race.)
5.	Are you Native Hawaiian or Other Pacific Islander?YesNo (A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands excluding Philippine Islands.)
6.	Are you White (Caucasian)? Yes No  (A person having origins in any of the original peoples of Europe, the
7.	Are you more than one race?NoYes, Please specify
8.	Are you some other race?No Yes, Please specify
9.	What is you place of birth?
	City State Province Country
10.	What is your PRIMARY language spoken at home?
11.	What is your SECONDARY language spoken at home?
12.	What additional languages, if any, do you speak fluently?
13.	What additional languages, if any, do you speak fluction?  What additional languages, if any, can you provide written translation?  No. Yes*
14.	Do you know now to sign in ASL?fesNo Other:Nofes ,
15.	Are you aDisabled Veteran,Disabled Individual (non-Veteran),Neither?
16.	If there are duties you cannot perform because of a physical or mental disability, please describe on a separate sheet, mark it confidential, and send to PERS/CRCS.

THANK YOU If you wish to volunteer interpreter or translation services in one or more languages, please e-mail gwatts@dhs.hawaii.gov

#### INTERNAL

## COMMUNICATION FORM

Suspense

#### DEPARTMENT OF HUMAN SERVICES

Subject:

DHS VOLUNTEER INTERPRETER LIST UPDATE

Originator:

To: SOs, DAs, BAs

From: PERS

Date: 09/20/07

Memo No. 1

The attached Volunteer Interpreter List represents part of the Department's effort to comply with State and Federal laws which prohibit discrimination based on race, color and national origin (including and not limited to Limited English Proficiency-LEP). These laws, and accompanying regulations, strictly prohibit discrimination against applicants, potential applicants, and/or clients who speak little or no English and require that we inform our service applicants, potential applicants, and recipients of their right to interpreter services free of charge.

#### REQUIRING APPLICANTS, POTENTIAL APPLICANTS, OR CLIENTS TO BRING THEIR OWN INTERPRETERS WITH THEM TO INTERVIEWS OR OTHER APPOINTMENTS IS PROHIBITED, EVEN THOUGH THIS IS WHAT THEY PREFER.

Please be aware that employees on the list are volunteers and should be contacted only when other resource options, including procurement of professional interpreter services, have been considered. Divisions functioning under contractual language interpretation agreements should attempt to make service arrangements with the contractor before contacting volunteer employees for interpreter services. All other divisions may use the agency of choice. One recommended source to consider includes court interpreters. Another is a list of interpreters provided by the Disability and Communication Access Board (DCAB) which is available from the Civil Rights Compliance Staff, 586-4955. Other sources may include electronic contacts which can be identified by using the web. Prudent verification of credentials of interpreters is encouraged.

To the extent possible, please adhere to the following guidelines when requesting volunteer assistance:

- 1. Ensure that other options are not available or practical;
- 2. Seek volunteers who are familiar with your program;
- 3. Consider the feasibility of having the volunteer perform interpretation electronically;
- 4. When your interpreter needs require face-to-face contact, seek volunteer employees located at the same worksite or general geographical area.

Remember that volunteer interpreters perform interpreter services in addition to their official duties. Therefore, they are available to the extent that their participation in this program does not conflict with the performance of their regular duties.

If you have questions regarding the volunteer interpreter program, or if there are changes that need to be made to this list, please call Geneva Watts, Personnel Office, CRCS at 586-4955 or e-mail gwatts@dhs.hawaii.gov.

Attachment

c: DIR, CSW, HPHA, OYS

Interpreter List 09/2007.doc:GW

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KEMIGIO	DOBEDT	FI IG WKR	KAUAI	MQD	ELIG BRANCH	274-3311	SPANISH	FLUENT	FLUENT
REVELS	RUBERI	VADS SLIPV	KAUAI	SSD	CENTRAL CWS	1100 010	II OCANO	FAIR	FAIR
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VALENCIA	DAVID	ELIG WKK	DEN.	Coo	FAST CWS	243-8651	TAGALOG	באווטוגו	N/A
GARCIA	RAMON	SSA	MAU	202	PRVDR HOTLINE	692-7363	AM SIGN LANG	FAIR	V/N
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CHON	NOTION NEI IMANI	RPN	OAHU	SSD	ADLI PRO 3V	587-5294	CANTONESE	FLUENT	FLUEN
KWONG	NO TOWN	XIJ	OAHO	BESSD	PAWAA	586-2385	CANTONESE	FLUENT	FLUENT
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TSARK	AMY	SOC SVC INIGH	- IHVO	BESSD	OBS3/KALIHI	832-5532	CHUONESE	FILENT	FLUENT
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VANEK	JIRI	II SPEC		RESSD	KINAU UT	832-4960	FONNIT	LOUI II	FLUENT
KEMPER	MAIJA	ELIG WKK	2140	SSD	ACCSB/SCP	586-5190	TARNOT	FINE	FI LENT
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SPULER	AMONIA	FI IG WKR	OAHO	MQD	EB COO III	832-0340	HAWAIIAN	FAIR	
BURMEISTER	KALINALINA VADENI M	SECRETARY	OAHO	SSD	CWSB/SCWSS	587-3549		FLUENT	FAIR
HISATAKE	KAKEN W.	Clork/Typiet	OAHU	MQD	MQD/EB/OOU Z/116	200			
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LAST NAME	FIRST NAME	POS. TITLE	ISLAND	DIX.	FIND	PHONE #	LANGUAGE (or Dialect)	LEVEL	LEVEL
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BUMAGAT	MATILDE	CLK	OAHU	BESSD	WAIKELE IM	5/3-004z	ILOCANO	LOUN	ורסבואו
GALIZA	JERRY	ACCT CLK	OAHU	FMO	COLL/RECVRY	586-5207	ILOCANO	FLUENT	FLUENT
GALLANO	LORNA D.	ACCT CLK	OAHU	VRSBD	SBB/ES	586-5286	ILOCANO	FLUENT	FAIR
LASQUITE	EVELYN	PRE-AUD CLK	OAHU	FMO	PRE-AUDIT	586-5024	ILOCANO	FLUENT	FLUENT
MANIPON	PONCHITO A.	COMP PRGM SUPV	OAHU	DIT	ADMS/CPS	586-5151	ILOCANO	FLUENT	FLUENT
HENSON	AIMEE	VOCREHB SP	OAHU	VRSBD	METRO	586-4845	ILOCANO	FLUENT	FLUENT
RAMOS-RAZON	BEATRICE	RPN	OAHU	SSD	SSO/MWS/C&M	587-4265	ILOCANO	FLUENT	FLUENT
LUMABUS	PLACIDO	BMWI	OAHU	НРНА	PMMSB/OMU III	832-3153	ILOCANO	FLUENT	FLUENT
COSTELLO	CHRISTINE	IT SPEC	OAHU	TIO	SYS MGMT	586-2386	ITALIAN	FAIR	FAIR
ITO	TOMOKO	PERS.MGT.SPEC	OAHU	PERS	TRAINING UNIT	586-4973	JAPANESE	FLUENT	FLUENT
OHO	SHIL-FONG	ELIGIBILITY WORKER	OAHU	MDQ	UNIT 115	587-3540	JAPANESE	FAIR	FAIR
TAKEDA	JENNFER	ELIG WKR 1	OAHU	BESSD	WAIANAE UNIT 207	697 7895	JAPANESE	FAIR	LIMITED
	HYOJIN	CLERK TYPIST	OAHO	OYS	HASEKO	393-4145	JAPANESE	FAIR	FLUENT
4	HYOUN	CLERK TYPIST	OAHU	OYS	HASEKO	393-41-45	KOREAN	FLUENT	FLUENT
CHUNG	REBECCA	SSSSS	OAHU	BESSD	DTFTW2	587-6550	KOREAN	FLUENT	FLUENT
SALCEDO	DIANN	ELIG WKR	OAHU	BESSD	PAUAHI	587-3732	KOREAN	FLUENT	FAIR
CHARLES	HUI SON	ELIG WKR	OAHU	MQD	EB OAU II	587-3564	KOREAN	FLUENT	LIMITED
	SUNNY	ELIG WKR	OAHU	MQD	KAPOLEI	692-7381	KOREAN	FLUENT	FLUENT
OUANESISOUK	PHET	SECTY	OAHU	VRSBD	CENTRAL	586-5162	LAO	FLUENT	FLUENT
	WATSON	CLK	OAHU	BESSD	PAWAA IM	587-5294	MANDARIN	LIMITED	LIMITED
FUO	XIAOPING	IT SPEC	OAHU	DIT	SYS MGMT	586-2385	MANDARIN	FLUENT	FLUENT
	MINGQIU	RES STAT	OAHU	MSO	RESEARCH	586-5111	MANDARIN	FLUENT	FLUENT
OHO	SHIL-FONG	<b>ELIGIBILITY WORKER</b>	OAHU	MQD	UNIT 115	587-3540	CHINESE	FLUENT	FLUENT
CONTE	GRACE	OLK	OAHU	BESSD	WW APP	233-3621	PALAUAN	FAIR	LIMITED
ROBERTS	HASINTA	PRE-AUD CLK	OAHU	FMO	BENEFIT/PAY	586-5047	PALAUAN	FLUENT	FLUENT
RAMOS-RAZON	BEATRICE	RP	OAHU	SSD	SSO/MWS/C&M	587-4265	PAMPANGO	FLUENT	FLUENT
GALLANO	LORNA D.	ACCT CLK	OAHU	VRSBD	SBB/ES	586-5286	PANGASINAN	FAIR	FAIR
MANIPON	PONCHITO A.	COMP PRGM SUPV	OAHU	TIO	ADMS/CPS	586-5151	PANGASINAN	FLUENT	FLUENT
GALLEN	MYRA	CLK TYPIST	OAHU	BESSD	OBS3/KALIHI	832-5532	POHNPEIAN	FLUENT	FAIR
MORIN	BEATA	C/APS SPC	OAHO	SSD	SP SVC CMU	692-7838	POLISH	FLUENT	FLUENT
MASANIAI	BARBARA C.	SS AIDE	OAHU	SSD	CCWSS/CCW2	692-7800	SAMOAN	FLUENT	FLUENT
TAUANU'U	FU'AMELEKE	EW	OAHO	MQD	000 II	587-3547	SAMOAN	LIMITED	FAIR
ALDEGUER	ALMA	CLK	OAHO	MQD	PRVDR HOTLINE	692-7363	SPANISH	FLUENT	FAIR
KEMPCZENSKI	PAUL	MS	OAHU	SSD	ADULT INTAKE	832-0607	SPANISH	FAIR	FAIR
KOENIG	NORMA K.	SCP Director	OAHO	SSD	ACCSB/SCP	586-5190	SPANISH	FLUENT	FAIR
SPULER	CRISTINA	ELIG WKR	OAHU	BESSD	KALIHI IM	832-5529	SPANISH	FLUENT	FLUENT
VIII AREN III	RENO	SSA	OAHU	SSD	DHCWSU 3	832-5344	SPANISH	FLUENT	FLUENT
OUICHIZ-JUDD	NINA	SOCIAL WORKER	OAHU	SSD	SSD/CWSSB/OSSCMU	692-7824	SPANISH	FLUENT	FAIR
GALIZA	JERRY	ACCT CLK	OAHU	FMO	COLL/RECVRY	586-5207	TAGALOG	FLUENT	FLUENT
GALLANO	LORNA D.	ACCT CLK	OAHU	VRSBD	SBB/ES	586-5286	TAGALOG	FLUENT	FAIR
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CRCInterpreterList

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PLACENCIA	DAYIINDA	OEC .		יאומט מינים	COB/WIFIS	692-8162	TAGALOG	FLUENT	FLUENT
RAMOS-RAZON	BEATDICE	אמם מ	OAHU	SSD	CWSB	586-8256	TAGALOG	FULENT	FLUENT
IMARIS		NEW	OAHO	SSD	SSO/MWS/C&M	587-4265	TAGALOG	FLUENT	FILIFINT
	רואכוטט	BMWI	OAHO	HPHA	PMMSB/OMU III	832-3153	TAGALOG	FIENT	
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NAKASONE	INC. DA C		CAHO	220	ACCSB/OS/APS	832-5066	TAGALOG	FAIR	FAIR
DI ACENICIA	DAY! NO	OLEKK	ОАНО	MQD	CSB/MFIS	692-8162	VISAYAN	FLUENT	FLUENT
	DAYLINDA	SEC	OAHO	SSD	CWSB	586-8256	VISAYAN	FIEN	FNAT
7080 7080	TUZ	ACCT CLK	OAHU	FMO	COLL/RECVRY	586-5206	VISAYAN	E E E	FAID
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## **VOLUNTEER INTERPRETER FORM**

I would be willing to serve as a volunteer interpreter, to assist with services provided by the Department of Human Services.

Name:						
Division/Branch/Section/Unit:						-
Position Title:						
Business Phone:	······					-
Name of Supervisor:						
LANGUAGE(S)		LEVE	L OF FLU	ENCY (Ple	ase Check	τ)
	Limited	<u>Spoken</u> Fair		Limited	Written Fair	Fluent
1)					***************************************	***************************************
2)	WALLES AND AN ADMINISTRA		***************************************		the same of the sa	
3)	***************************************	***************************************	who all and a state of the stat			
I understand this program is strictly Rights Compliance Section if I shou	voluntary. Ild wish to	I will in withdra	form the F w my servi	Personnel ( ices.	Office, (	Civil
		Marie Communication of Communication Communi	(si	gnature)		

## Language Interpretation/Translation Providers

BILINGUAL ACCESS LINE (Oral interpretation & written translation)
 Helping Hands of Hawai'i
 2100 N. Nimitz Hwy.
 Honolulu, HI 96813
 Ph: 808-526-9724

PACIFIC GATEWAY CENTER (Oral interpretation & written translation)
 720 N. King St.
 Honolulu, HI 96817
 Ph: 845-3918

- DISABILITY & COMMUNICATION ACCESS BOARD (Sign Language)
   Certified List of individual providers (see attached)
- LIBRARY FOR THE BLIND & PHYSICALLY HANDICAPPED (Braille services)
   402 Kapahulu Ave.
   Honolulu, HI 96815
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# THE JUDICIARY • STATE OF HAWAI'I LIST OF REGISTERED COURT INTERPRETERS (EXTERNAL DISTRIBUTION) May 1, 2007

This List of Registered Court Interpreters (External Distribution) includes individuals who have registered with the Hawai'i Judiciary as of May 1, 2007, and have given permission to publish/release their names and contact information. This List is to be used to select interpreters for paid interpreting/translating assignments only. Please note:

- The Judiciary does not endorse, screen, or certify the individuals listed.
- The user is responsible for determining the qualifications and competence of the individuals to be used.

LANGUAGE	<u>ISLAND</u>	NAME	CONTACT#
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LANGUAGE	ISLAND	NAME	CONTACT #
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CANTONESE	Oahu	CHEUNG, EMILY W.	391-2829(C)
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<b>LANGUAGE</b>	<u>ISLAND</u>	NAME	CONTACT #
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CANTONESE	Oahu	WONG, JOSEPH W.K.	536-7006(H), jwguisi@aol.com
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CHUNG SHAN	Oahu	WONG, PAUL B.H.	373-1108(H), 843-6689(P), 373-3238(F)

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<b>LANGUAGE</b>	ISLAND	NAME	CONTACT #
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May 1, 2007

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<b>LANGUAGE</b>	ISLAND	NAME	CONTACT #
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<b>LANGUAGE</b>	<u>ISLAND</u>	<u>NAME</u>	CONTACT #
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JAPANESE	Hawaii	MITAMURA, SAWAMI	969-1122(B), 938-5059(C)
JAPANESE	Hawaii	SMITH, XANTHE A. D.	985-8569(H), 896-3636(C), 985-7529(F), volcano@gte.net
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LAOTIAN	Oahu	HU, VINCENT C.S.	265-6879(B)(C)
LAOTIAN	Oahu	JAO, DAVID	753-9090(C), 955-7222(H)(F), 955-2100(B), americanwandi@aol.com
LAOTIAN	Oahu	TANHCHALEUN, CHOU L.	486-7882(H)
LATIN	Oahu	GAU, WAYNE W.	735-9689(B)
LOONG DU	Oahu	WONG, PAUL B.H.	373-1108(H), 843-6689(P), 373-3238(F)
MALAY	Oahu	YAP CHANG, HWEE LUAN	951-0350(B), 306-4566(C), 951-0352(F), hweeluan@yahoo.com
MANDARIN	Oahu	CHANG, CHIA-MIN I.	348-4100(C), chiamin819@hotmail.com
MANDARIN	Oahu	CHEONG, CHAY C.	taiahko@gmail.com
MANDARIN	Oahu	CHOI, CANDY	429-2028(C), kityeechoi@hotmail.com
MANDARIN	Oahu	CHOI, JOHNSON	524-5738(B), 222-8183(C), 524-8063(F), johnsonchoi@johnsonchoi.com
MANDARIN	Oahu	CHOU, YAO	295-4326(C), 841-3848(F), group2hawaii@msn.com
MANDARIN	Oahu	COX, MERLE	672-3628(H), 225-0182(C), makakilocoxes@att.net
MANDARIN	Oahu	JAO, DAVID	753-9090(C), 955-7222(H)(F), 955-2100(B), americanwandi@aol.com
MANDARIN	Oahu	KAN, RAYMOND K.O.	488-5143(H), 571-8640(P)
MANDARIN	Oahu	LEE, ELENA	941-1650(H)(B)(F), 371-7622(C)(P), elena.lee7@verizon.net

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LANGUAGE	<u>ISLAND</u>	NAME	CONTACT #
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MANDARIN	Oahu	LEE, YEU-TSU M.	423-1505(H), 423-4862(F), YTM_Lee@hotmail.com
MANDARIN	Oahu	LIANG, DAVID Z.	392-5350(C), davidzliang@gmail.com
MANDARIN	Oahu	LIU, XIN	222-4230(C), 734-6286(B)
MANDARIN	Oahu	MA, GAIL Y.F.	944-6563(H), 561-3905(C), gma@pixi.com
MANDARIN	Oahu	NG, MEI LING	781-1878(C), 672-0888(H), 672-0510(F)
MANDARIN	Oahu	QIAO, TINGTING	723-0188(H)(B)(C), jieen1506@yahoo.com
MANDARIN	Oahu	SHEN, RUI RONG	524-0802(H)
MANDARIN	Oahu	SUGG, ESTHER T.	597-1799(H)
MANDARIN	Oahu	SUN, SHIRLEY X.	979-9015(H)+E90, 223-8881(C)
MANDARIN	Oahu	TSWEI, KATHY	735-0045(H), 735-0030(F),
MANDARIN	Oahu	WONG, JOSEPH W.K.	kathy.tswei@hawaiiantel.net 536-7006(H), jwguisi@aol.com
MANDARIN	Oahu	WOOLLEY, JIA L.	262-1377(H), 398-1370(C), jiawoolley@hotmail.com
MANDARIN	Oahu	WU, ZHENGKANG	946-6899(B), 941-9519(F)
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LANGUAGE	ISLAND	NAME	CONTACT #
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MANDARIN	Oahu	ZENG, SUZANNE M.	942-3683(H)(F), 956-4421(B), 383-8594(C), suezeng@hawaii.edu
MANDARIN	Maui	O'NEILL, ALICE	244-6929(B), 244-9643(F)
MANDARIN	Hawaii	TAO, EUGENE Y. C.	959-7887(H), genetao@hawaii.rr.com
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MARSHALLESE	Hawaii	LOEAK, MARYLOU	964-2107(H), 938-5931(C)
MARSHALLESE	Hawaii	SYLVESTER, REMARR	557-4310(C)
MOROCCAN	Oahu	GENANE, HICHAM	384-1698(C), 941-2362(H)
NAM LONG	Oahu	KAN, RAYMOND K.O.	488-5143(H), 571-8640(P)
NANKINGESE	Oahu	KAN, RAYMOND K.O.	488-5143(H), 571-8640(P)
PAMPANGAN	Oahu	FIESTA, TERESITA B.	843-8096(H), 232-9858(C)

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<b>LANGUAGE</b>	ISLAND	NAME	CONTACT #
PAMPANGAN	Molokai	WAINWRIGHT, THEODOCIA G.	558-8966(H)(B), 658-0390(C)
PAMPANGAN	Hawaii	BAUTISTA, BELLA B.	989-3359(C)
PANGASINAN	Oahu	DELA PENA, LOURDES J.	256-3976(B)(C), 671-4128(H)
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POLISH	Oahu	DABROWSKI, MIECZYSLAW	524-2509(H), 455-0425(B), 455-0640(F), dabrowsk@hawaii.edu
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PORTUGUESE	Oahu	NEALON, JOHN P.	551-9457(C), 456-5094(H), cristinagki@hotmail.com
PORTUGUESE	Oahu	RAMIREZ-ZELADA, IRMA V.	348-2548(C), 664-0033(H), 626-8416(B)
PORTUGUESE	Oahu	SAKANISHI-MIYAKAWA, ROSA A.	396-2084(H)
PORTUGUESE	Hawaii	ALEXANDER, JEANETTE G.	775-8294(H)
PORTUGUESE	Hawaii	SEGAL, NINA J.	965-5630(H), 217-5452(C), ninasegal@hotmail.com
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LANGUAGE	ISLAND	NAME	CONTACT#
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SAMOAN	Oahu	KURESA, SOLOMON JR.	841-4302(H), 224-7781(C), 299-7153(P)
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SAMOAN	Oahu	SUAFAASEE, TAITAIAU L.	282-8993(C)
SAMOAN	Oahu	TIATIA, FOLAALELA K.	847-7214(H), 591-2511(B), 520-4757(C), ftiatia@hotmail.com
SAMOAN	Oahu	TIATIA, ROPATI T.	847-7214(H)
SAMOAN	Oahu	TOGIOLA, LEUTOGI T.	838-8843(B), 342-7141(C), 838-8751(F), togiolal001@hawaii.rr.com
SAMOAN	Oahu	TUITELELEAPAGA, SANELE I.	235-8463(H), sitleone@yahoo.com
SHANGHAINESE	Oahu	KAN, RAYMOND K.O.	488-5143(H), 571-8640(P)
SHANGHAINESE	Oahu	LIANG, DAVID Z.	392-5350(C), davidzliang@gmail.com
SHANGHAINESE	Oahu	SHEN, RUI RONG	524-0802(H)
SHANGHAINESE	Oahu	YE, JING	218-8088(C), yejing@hawaii.edu
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<u>LANGUAGE</u>	ISLAND	NAME	CONTACT #
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SPANISH	Oahu	DABROWSKI, MIECZYSLAW	524-2509(H), 455-0425(B), 455-0640(F), dabrowsk@hawaii.edu
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SPANISH	Oahu	HARPSTRITE, PATRICIA J.	247-3578(H)(B)(F), harpstrij001@hawaii.rr.com
SPANISH	Oahu	HAYS, JOHN T., III	947-6013(B), 951-7904(F), johnhays@hawaii.rr.com
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SPANISH	Oahu	RAMIREZ-ZELADA, IRMA V.	348-2548(C), 664-0033(H), 626-8416(B)
SPANISH	Oahu	SAIBENE, MIGUEL A.	685-1709(H), 361-1144(P)

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LANGUAGE	<u>ISLAND</u>	NAME	CONTACT #
SPANISH	Oahu	SAKANISHI-MIYAKAWA, ROSA A.	396-2084(H)
SPANISH	Oahu	SANCHEZ-GARCIA, KARMA M.	484-4090(H), 485-0894(B)(F), 554-7029(C)
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SPANISH	Maui	MCNISH, ZACHARY A.	572-9642(H)(B), zmcnish@wso.williams.edu
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SPANISH	Maui	PROTTI, ROBERTO	250-0222(B)(C)
SPANISH	Maui	RABAGO, DORA M.	205-2973(B), 205-2970(C)
SPANISH	Maui	ROST, ALEXANDRINE E.	572-9964(H), pueokea@hotmail.com
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SPANISH	Maui		385-5528(C), tlaseca02@aol.com
SPANISH	Maui		281-8629(C), 874-6223(H), 871-1114(B), sauditorr@aol.com

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<u>LANGUAGE</u>	ISLAND	<u>NAME</u>	CONTACT #
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SPANISH	Hawaii	AVELAR, JAVIER	557-7491(C), avelarinterpreting@hawaii.rr.com
SPANISH	Hawaii	CARVALHO, MARTINA J.	345-6276(C), 885-4444(B), 885-2126(H)
SPANISH	Hawaii	CRISTOS, SAMANTHA A.	885-2748(H)(F), 989-9089(C),
SPANISH	Hawaii	ESPINOSA, ROSARIO D.P.	yozemytesam@netzero.com 214-0104(C), sathya59@hotmail.com
SPANISH	Hawaii	FALCON, ROSEMARIE	573-0185(H), 573-2894(B), 281-1126(C)
SPANISH	Hawaii	HART, TAMARA O.	775-0226(H)
SPANISH	Hawaii	HERNANDEZ, MIGUEL A.	987-3204(B)(C), 966-7279(H)
SPANISH	Hawaii	MARIN, NOEMI	987-7546(C), 331-1552(H)
SPANISH	Hawaii	MOLINERO, DAWNA L.	896-7129(C), 982-5775(H)(F), djchilango1@aol.com
SPANISH	Hawaii	MOTOLA, J. ASHER	326-4571(H), asher@uofnkona.edu
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SPANISH	Hawaii	RAMIREZ, J. RAFAEL	328-7728(H), rafarumba@hotmail.com
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SPANISH	Hawaii	SEGAL, NINA J.	965-5630(H), 217-5452(C), ninasegal@hotmail.com
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<b>LANGUAGE</b>	<u>ISLAND</u>	<u>NAME</u>	CONTACT #
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TAGALOG	Oahu	AGUINALDO, JOCELINE F.	542-5945(C), 521-3113(H)
TAGALOG	Oahu	ALBANO, OFELIA M.	677-8878(H), 236-8301(B), 230-3273(C)
TAGALOG	Oahu	DALERE, VICTOR T.	386-2401(C), 621-8969(H), vdalere@hotmail.com
TAGALOG	Oahu	DELA PENA, LOURDES J.	256-3976(B)(C), 671-4128(H)
TAGALOG	Oahu	DONATO, MARIA M.	677-5848(H)
TAGALOG	Oahu	FIESTA, TERESITA B.	843-8096(H), 232-9858(C)
TAGALOG	Oahu	GROSS, ERIC C.	428-0479(B)(C), 677-9679(F), eg_gross@tinig.com
TAGALOG	Oahu	LAZARTE, LILIA EDNA B.	306-1218(C), 678-1088(H), 584-3081(P), 676-8872(F)
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<u>LANGUAGE</u>	ISLAND	NAME	CONTACT #
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TAGALOG	Oahu	ROQUE, FELIPE V. SR.	489-0350(B)(C), 782-3310(H), 671-5692(F)
TAGALOG	Oahu	TAGAYUNA, ALEJANDRINO A.	286-2767(C), 637-9038(H), 284-0722(C)
TAGALOG	Oahu	TAMORIA, ANDRES G.	206-2244(C), 685-5351(H)
TAGALOG	Oahu	VALDEZ-MIER, CARMELITA	294-1524(C), 676-4957(H), 523-8839(B), 533-4201(F)
TAGALOG	Molokai	WAINWRIGHT, THEODOCIA G.	558-8376(H)(B), 658-0390(C)
TAGALOG	Maui	YLLERA, ARNIE JEROME M.	242-1491(H), 276-2768(C), ajyllera68@hotmail.com
TAGALOG	Maui	YLLERA, FRED S.	242-1491(H), 276-1415(C)
TAGALOG	Maui	YLLERA, SARAH M.	242-1491(H), 385-3555(C), 244-5952(F), syllera@hawaiiantel.net
TAGALOG	Hawaii	BAUTISTA, BELLA B.	989-3359(C)
TAGALOG	Hawaii	DARANCIANG, MODESTO A.	323-2569(H)
TAGALOG	Hawaii	GRAVELA, NARDITA T.	928-0710(H)(F), 327-3031(B), nardir8@aol.com
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<b>LANGUAGE</b>	ISLAND	NAME	CONTACT#
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THAI	Oahu	HU, VINCENT C.S.	265-6879(B)(C)
THAI	Oahu	JAO, DAVID	753-9090(C), 955-7222(H)(F), 955-2100(B), americanwandi@aol.com
THAI	Oahu	TANHCHALEUN, CHOU L.	486-7882(H)
THAI	Maui	DAHLBY, SUPATTRA D.	243-0061(H), daveanddaeng@earthlink.net
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TONGAN	Oahu	KAUFUSI, AIONA P.	373-3394(H), koloa@prodigy.net
TONGAN	Oahu	LEOTA, LUPE F.	291-1821(C), 299-1397(P), 671-8386(H)
TONGAN	Oahu	TAFUNA, NERISHA I.	293-5829(H)(B), ivalani42@yahoo.com
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VIETNAMESE	Oahu	JENSEN-LECH, TUAN	352-1002(C), imtlech@hawaii.rr.com
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VIETNAMESE	Oahu	NGUYEN, KIM NGOC P.	220-2762(C), kngoc3@yahoo.com
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VIETNAMESE	Oahu	NGUYEN, NINA NHUNG T.	colonelnguyen@yahoo.com 366-4533(B)(C), 581-3141(P),
VIETNAMESE	Oahu	NGUYEN, STEVE	nguyennina@yahoo.com 545-4840(H), 371-4422(B)(C), 844-5163(P),
VIETNAMESE	Oahu	NGUYEN, TONY H.	trungmail@hotmail.com 227-0136(B)(C), tiennguyen68@hotmail.com
VIETNAMESE	Oahu	THANH, LY PHUOC	267-5869(P)
VIETNAMESE	Oahu	TRINH, CUONG Q.	732-0598(H), granite4546@hotmail.com
VIETNAMESE	Oahu	VU, HOA BA	951-9910(H)
VIETNAMESE	Hawaii	TRAN, TAC T.	981-2757(B)
ZAMBAL	Oahu	TAMORIA, ANDRES G.	206-2244(C), 685-5351(H)



#### DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 - Honolulu, Hawaii 96814 Ph. (808) 586-8121 (V/TDD) - Fax (808) 586-8129

- 1.) Agencies and businesses who employ communication access providers are encouraged to review Hawaii Administrative Rules, Title 11, Chapter 218 (as explained in the DCAB Fact Sheet) for general guidelines, recommended fee schedules and an explanation of credentials and certification levels.
- 2.) This list is provided as a convenience for state agencies, other public agencies, and private businesses who employ communication access providers. Inclusion on this list does not represent an endorsement or recommendation of the provider by DCAB.
- 3.) Providers included on this list have given DCAB written permission to publish the included information. Responsibility for the accuracy of the information remains with the provider.
- 4.) Agencies and businesses who employ any of these providers are encouraged to verify that the provider's certification or other professional credentials are current as of the date of employment. (If a provider has submitted current copies of their credentials to DCAB, an asterisk\* appears next to their credential.)
- 5.) Communication access providers are usually employed as independent contractors. All terms and conditions of such employment should be negotiated betweend the contractor and the hiring agency.
- 6.) Agencies and businesses with limited experience in the direct employment of sign language interpreters are encouraged to use a professional referral service such as Hawai'i Services on Deafness.
- 7.) This list has been customized to meet the needs of your request. Information is current as of 2/28/2006. Please contact DCAB if this list is more than 30 days old.

Name and Certification	Telephone and Email	Mailing Address
Baird, Darlene L.		Oahu
Interpreter_Sign Certification: HQAS V* Expires: 6/30/2008 No Courts or Legal Appts	Cell: 352 2246 Bus. Email: pukapantz@hotmail.com	84-550 Nukea St Waianae, Hi 96792
Bownds, Beverly K.		Oahu
Interpreter_Sign Certification: RID CSC EXPIRED: 6/30/2005	Cell: 389 8997 Bus. Email: bevsignasl@yahoo.com	
Fried, Jan		Oahu
Interpreter_Sign	Res. Tel: 734-5889 V/T	1731 Mikahala Way
Certification: RID IC CI&CT EXPIRED: 6/30/2003	Pager: 288-7928 Fax: 734-9893 Pers. Email: janfried@hotmail.com	Honolulu, Hi 96816 Availability: Part Time

Name and Certification	Telephone and Email	Mailing Address
Howard, Kathy		Oahu
GA-to-SK Professional Interpreting Svcs Interpreter_Sign Certification: RID CI&CT	Bus. Email: howardkat@msn.com	P.O. Box 22519 Honolulu, HI 96823-2519
EXPIRED: 6/30/2004		
Jackson, Debbie		Oahu
Interpreter_Sign	Res. Tel: 239-6163 V/T	Availability: Part Time After
Certification: RID CSC*	Cell: 392-2549	4:00 pm Mon-Fri and all da
Expires: 6/30/2006	Bus. Email: dleighjackson@hotmail.com	on Weekends
No Performing Arts Assignments		
Kern, Ku Mei Butler		Hawaii
Interpreter_Sign	Res. Tel: 808 969 3193	19A Aina St.
Certification: HQAS V*	Cell: 808 896 9059	Hilo, HI 96720
Expires: 8/1/2010	Pers. Email: kooshmabob@yahoo.com	
Kroe-Unabia, Susan		Oahu
Interpreter_Sign	Res. Tel: 396-1800 V/T	
Certification: RID CI&CT EXPIRED: 6/30/2004	Bus. Email: susankroe@aol.com	
Lambrecht, Linda		Oahu
Interpreter_Deaf_Relay	Bus. Tel: 808-239-7660 V/T/F	Availability: Part Time Sprin
Certification: RID RSC CLIP:R	Pager: 808-255-4979	2002 MWF 8-11am; TTH
EXPIRED: 6/30/2004	Bus. Email: linje40s@hotmail.com	8am-2pm
Note: Dalay Intermedia must be assu	Pers. Email: aslteal@tmail.com (mobile)	•
Note: Relay Interpreter must be team	ned with hearing interpreter.	
Lani, Tamar		Oahu
Ferpreting Connection nterpreter Sign	Bus. Tel: 808-537-5933	P.O. Box 1380
Notetaker	Res. Tel: 808-537-5933	Kaneohe, Hi 96744-1380
Certification: RID CI&CT	Bus. Email: tamarlani@verizonmail.com	
EXPIRED: 6/30/2003	Pers. Email: tamar_costa@juno.com	
Love, Mary Rose		Oahu
fary R. Love Inc.	Res. Tel: 808 291 9146	
nterpreter_Sign	Bus. Email: marylove999@hotmail.com	409 Portlock Rd Honolulu, HI 96825
ertification: RID CI&CT XPIRED: 6/30/2003	Pers. Email: mary.love7@verizon.net	1101101010, 111 70023

Name and Certification	Telephone and Email	Mailing Address
McDonald, Loretta Ann Interpreter Sign	Day Tol. 047 7640 vimm	Oahu
Certification: RID CSC EXPIRED: 6/30/2004 No Performing Arts Assignments	Res. Tel: 947-7640 V/T/Fax Pers. Email: ehuandme@juno.com	Availability: Part Time
Miehlstein, Valerie		Oahu
Island Skill Gathering (ISG, Inc.) Interpreter_Sign Certification: RID CI&CT* Expires: 6/30/2007	Res. Tel: 808-732-4622 V/T Bus. Email: isg@aloha.net	3472 Kanaina Avenue Honolulu, Hi 96815 Availability: Part Time
No Courts or Legal Appts No Perfo	orming Arts Assignments	
Morris, Michele		Oahu
Interpreter_Sign Certification: RID CI&CT* Expires: 6/30/2006 No Courts of Local Access	Cell: 808-284-0402	91-1029 Ahuua St. Ewa Beach, Hi 96706
No Courts or Legal Appts  Nakamoto, Lynn		
Interpreter_Sign	Cell: 551-3778	Oahu
Certification: RID CSC* Expires: 6/30/2008	Bus. Email: nakamoto@verizon.net	4490 Luaole St. Honolulu, Hi 96818
Park Okuna, Inga		Oahu
Interpreter_Sign Certification: RID CSC EXPIRED: 6/30/2003	Bus. Email: ingapark@tmail.com	Availability: Part Time
Sakal, Patty		0-1
Interpreter_Sign Certification: HQAS V* Expires: 4/30/2010	Res. Tel: 486-1797 Cell: 808-223-5841 Pager: 808-686-0013 Bus. Email: 6860013@islandpage.com Pers. Email: sakalp002@hawaii.rr.com	Oahu 98-410 Koauka Loop No. 20. Aiea, Hi 96701
Sapko, Regina		Oahu
nterpreter_Sign Certification: RID CI&CT XPIRED: 6/30/2003	Cell: 808-429-3553 Bus. Email: reginaclare@hotmail.com	PO Box 22701 Honolulu, Hi 96823-2701
horpe, Malina Steffanie Dr	avis	
nterpreter_Sign	Res. Tel: 808-966-7840	HCR3 Box 11087
ertification: NAD V XPIRED: 6/30/2004	Cell: 808-936-0046	Keaau, HI 96749

Name and Certification	Telephone and Email	Mailing Address
Trujillo, Tara		Hawaii
Interpreter_Sign	Cell: 808 557 1616	2033 Kaiwiki Road
Certification: RID CI&CT*	Bus. Email: tarawolf@hotmail.com	Hilo, HI 96720
Expires: 6/30/2006		
Wallace, Scott		Oahu
Interpreter_Sign	Bus. Email: scottcict@aol.com	44-663 Kuono Place
Certification: RID CI&CT EXPIRED: 6/30/2003		Kaneohe, Hi 96744
Blake, Jenny Stanton		Oahu
Interpreter_Sign	Res. Tel: 239-8953 V/TTY	
Certification: HQAS IV* Expires: 4/30/2006	Pager: 277-0785  Bus. Email: codasign@aol.com	
Expires. 4/30/2000	Bus. Eman. Codasign@aoi.com	
Collier, Cathie L.		Oahu
Colliers Interpreter Services	Bus. Email: smile4cathie@aol.com	
Interpreter_Sign	<b>G</b>	
Certification: RID CI EXPIRED: 6/30/2003		
EA IRED: 0/30/2003		
Cooper, Kennedy L.		Oahu
nterpreter_Sign	Cell: 808-381-8378	Akinson Tower No. 404
Certification: HQAS IV*	Bus. Email: kennedyclm@yahoo.com	419-Atkinson Drive
Expires: 5/31/2007  No Courts or Legal Appts		Honolulu, Hi 96814
Doran, Jean-Marie T.		Hawaii
nterpreter_Sign	Cell: 808 989 2522	
Certification: HQAS IV*	Pers. Email: jmdterp@hotmail.com	P.O. Box 10937 Hilo, HI 96721
expires: 2/28/2010	J	201009 201008
Fischer, Susan		Oahu
nterpreter Sign	Res. Tel: 808 732-3954	4840 Kilauea Ave. #3
ertification: RID CT	Cell: 808 282 3350	Honolulu, HI 96816
XPIRED: 6/30/2004	Bus. Email: hulasusan@hotmail.com	

Name and Certification	Telephone and Email	Mailing Address
Fogarty, Maureen Interpreter_Sign Certification: RID CT EXPIRED: 6/30/2003	Cell: 505-550-7788 Pers. Email: mofogarty@yahoo.com	Maui PO Box 12857 Lahaina, HI 96761-7857 Availability: Part Time After school hours (May be Off-Island insummer.)
No Courts or Legal Appts		
Goodhue, Eliza Wright Interpreter_Sign Certification: HQAS IV* Expires: 11/30/2009	Res. Tel: 808 572-2173 Pers. Email: elizaflower@yahoo.com	Maui Availability: Part Time
Haynesworth, Alycen Interpreter_Sign Certification: RID CI* Expires: 6/30/2006 No Courts or Legal Appts	Res. Tel: 808 895 8918	Hawaii
Hiraga, Martin		Oahu
Interpreter_Sign Certification: RID CI EXPIRED: 6/30/2005	Bus. Tel: 808 428 8100 Res. Tel: 301 588 1473 Cell: 202 460 4747 Pager: chino@tmail.com Bus. Email: mhiraga@aol.com	
No Performing Arts Assignments		
Kia, Rosalind Interpreter_Sign Certification: HQAS IV* Expires: 9/30/2007	Res. Tel: 808-988-6801 V/TTY Cell: 808-255-6379 Bus. Email: rozkia@tmail.com (Pager) Pers. Email: rozkia@aol.com	Oahu
McEvoy, Colleen		Oahu
Interpreter_Sign Certification: HQAS IV* Expires: 6/1/2010	Cell: 917 334-2897  Bus. Email: mcevoy@hawaii.edu  Pers. Email: cmcevoy1@nyc.rr.com	
Miller, Linda G.		Oahu
ASL/ENG Interpreting Services Interpreter_Sign Certification: HQAS IV* Expires: 7/31/2006	Res. Tel: 808-735-7111 Cell: 808-342-9095 Bus. Email: lindagmiller52@yahoo.com	4114 Maunaloa Ave Honolulu, Hi 96816-4525

Name and Certification	Telephone and Email	Mailing Address
Palmer, Stephen C. Interpreter_Sign Certification: NAD IV	Bus. Tel: 808-428-0734 Res. Tel: 808-428-0734 Bus. Email: singingasl@hotmail.com	Oahu P.O. Box 971806 Waipahu, HI 96797
Tawasha, Lori Interpreter_Sign Certification: RID CI	Res. Tel: 808 874 8398	<i>Maui</i> Availability: Part Time
Christian, Amanda Jean Interpreter_Sign Certification: HQAS III* Expires: 4/30/2007	Res. Tel: 808 836 6727 Cell: 808 351 9954 Pers. Email: manaki201@yahoo.com	Oahu 2936 Noonan St. Honolulu, HI 96818
Licciardo, Susan C. SuSigns Interpreter_Sign Certification: HQAS III* Expires: 10/31/2006	Bus. Tel: 808-372-9456 Cell Fax: 808-396-1458	Oahu Availability: Part Time
No Medical Appts No Courts or Lega	п Арріз	77
Linter, Vicki Interpreter_Sign Certification: RID IC&TC EXPIRED: 6/30/2003	Bus. Tel: (808) 935-8535 ext.13 Res. Tel: (808) 965-0289 Bus. Email: vickilinter@hotmail.com	Hawaii Availability: Part Time Mon- Fri 8:30-9:30 am and 11:00 am to 1:00 pm
No Performing Arts Assignments		
Wong, Darlene W.L. Interpreter_Sign Certification: HQAS III* Expires: 8/1/2007	Cell: 384 0940 Pers. Email: pochacs074@yahoo.com	Oahu Availability: Part Time

#### Code of Professional Conduct

A code of professional conduct is a necessary component to any profession to maintain standards for the individuals within that profession to adhere. It brings about accountability, responsibility and trust to the individuals that the profession serves.

RID, along with the National Association of the Deaf (NAD), co-authored the ethical code of conduct for interpreters. Both organizations uphold high standards of professionalism and ethical conduct for interpreters. At the core of this code of conduct are the seven tenets, which are followed by guiding principles and illustrations.

The tenets are to be viewed holistically and as a guide to complete professional behavior. When in doubt, one should refer to the explicit language of the tenet.

#### **TENETS**

- 1. Interpreters adhere to standards of confidential communication.
- 2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
- 3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
- 4. Interpreters demonstrate respect for consumers.
- 5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
- 6. Interpreters maintain ethical business practices.
- 7. Interpreters engage in professional development.

Click here to access the full version of the NAD-RID Code of Professional Conduct

| © 2006 RID | 333 Commerce Street Alexandria, VA 22314 | (703) 838-0030 | Web site design by New Target

# Civil Rights Compliance Staff (CRCS)

586-4955

gwatts@dhs.hawaii.gov

- Serves as departmental liaison for all civil rights related matters
  - Vinvestigates civil rights complaints
- Provides technical and advisory services to requirements of civil rights laws, rules and the department regarding standards and regulations
- ✓ Develops departmental policies, procedures and plans

# TITLE 21. LABOR AND INDUSTRIAL RELATIONS CHAPTER 371 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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## [Part II.] LANGUAGE ACCESS

[§371-31] Purpose. Most individuals living in Hawaii read, write, speak, and understand English. There are many individuals, nowever, who are limited English proficient. Language for limited English proficient persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by state-funded programs and activities.

The purpose of this part is to affirmatively address, on account of national origin, the language access needs of limited English proficient persons. In providing the delivery of language accessible services, it is the intent of the legislature that those services be guided by Executive Order 13166 and succeeding provisions of federal law, regulation, or guidance. [L 2006, c 290, pt of §1]

[§371-32] Definitions. Whenever used in this part, unless a different meaning clearly appears from the context:

"Access or participate" means to be informed of, participate in, and benefit from the services, programs, and activities offered by the State and covered entities.

"Covered entity" means a person or organization receiving state financial assistance, including grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to the person or organization for the purpose of rendering services on behalf of the State. It shall not include procurement contracts, state insurance or guaranty contracts, licenses, tax credits, or loan guarantees to private businesses of general concern that do not render services on behalf of the State.

"Language" means human speech or the expression of ideas by written characters and includes systems used by nations, people, or other distinct communities.

"Limited English proficient" means individuals who, on account of national origin, do not speak English as their primary language and who identify themselves [as] having a limited ability to read, write, speak, or understand the English language.

"Oral language services" means the free provision of oral information necessary to enable limited English proficient persons to access or participate in services, programs, or activities.

"State" means the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other agencies within the executive, legislative, or judicial branches.

"Vital documents":

- (1) Means printed documents that provide important information necessary to participate in services, programs, and activities; and
- (2) Includes but is not limited to applications, outreach materials, and written notices of rights, denials, losses, or decreases in benefits or services. [L 2006, c 290, pt of §1]

- [§371-33] Oral and written language services. (a) Each state agency and all covered entities shall take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons, which will be determined by a totality of circumstances, including the following factors:
- (1) The number or proportion of limited English proficient persons served or encountered in the eligible service population;
- (2) The frequency with which limited English proficient persons come in contact with the services, programs, or activities;
  - (3) The nature and importance of the services, programs, or activities; and
  - (4) The resources available to the State or covered entity and the costs.
- (b) Subject to subsection (a), each state agency and covered entity shall provide competent, timely oral language services to limited English proficient persons who seek to access services, programs, or activities.
- (c) Subject to subsection (a), each state agency and covered entity shall provide written translations of vital documents to limited English proficient persons who seek to access services, programs, or activities, as follows:
- (1) Written translations of vital documents for each eligible limited English proficient group that constitutes five per cent or one thousand, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered; or
- (2) If there are fewer than fifty persons in a limited English proficient group that reaches the five per cent threshold in paragraph (1), written notice in the primary language to the limited English proficient language group of the right to receive competent oral interpretation of those written materials, free of cost.
- (d) To the extent that the State requires additional personnel to provide language services based on the determination set forth in this section, the State shall hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions. [L 2006, c 290, pt of §1]
- [§371-34] Additional obligations. (a) Each state agency and covered entity shall establish a plan for language access.
- (b) Each state agency's plan for language access shall be established in consultation with the executive director of the office of language access and the state agency's coordinator for language access. State agencies receiving federal financial assistance shall file an initial language access plan with the executive director of the office of language access no later than July 1, 2007, and every two years thereafter. All other state agencies shall file a language access plan with the executive director of the office of language access no later than July 1, 2008, and every two years thereafter.
- (c) Each state agency shall designate a language access coordinator who shall establish and implement the plan for language access in consultation with the executive director of the office of language access and the language access advisory council. [L 2006, c 290, pt of §1]
- [§371-35] Public meetings and public hearings. (a) State agencies to which this part applies shall not be required to translate meeting notices, agendas, or minutes.

- (b) Subject to section 371-33, oral language services for public meetings or public hearings held by the legislature shall be provided if requested at least forty-eight hours in advance of the meeting or hearing. Where the notice of any public meeting or public hearing is posted less than forty-eight hours in advance of the meeting or hearing, oral language services shall be provided if requested at least twenty-four hours in advance of the meeting or hearing. [L 2006, c 290, pt of §1]
- [§371-36] Executive director of the office of language access; duties. There is established within the department of labor and industrial relations, for administrative purposes only, an office of language access. The head of the office shall be known as the executive director of the office of language access, hereinafter referred to as executive director. The executive director shall be appointed by the governor without regard to chapter 76. The executive director shall:
- (1) Provide oversight, central coordination, and technical assistance to state agencies in their implementation of language access requirements under this part or under any other law, regulation, or guidance;
  - (2) Provide technical assistance to covered entities in their implementation of this part;
- (3) Review and monitor each state agency's language access plan for compliance with this part;
- (4) Where reasonable access is not provided, endeavor to eliminate the barrier using informal methods such as conference, conciliation, mediation, or persuasion. Where the language access barrier cannot be eliminated by informal methods, the executive director shall submit a written report with the executive director's opinion and recommendation to the state agency or the covered entity. The executive director may request the state agency or the covered entity to notify the executive director, within a specified time, of any action taken on the executive director's recommendation;
- (5) Consult with language access coordinators, the language access advisory council, and department directors or their equivalent;
- (6) Subject to section 371-33, create, distribute to the State, and make available to covered entities multilingual signage in the more frequently encountered languages in the State, and other languages as needed, informing individuals of their right to free oral language services and inviting them to identify themselves as persons needing services; and
- (7) Adopt rules pursuant to chapter 91 to address the language needs of limited English proficient persons. [L 2006, c 290, pt of §1]
- [§371-37] Language access advisory council. (a) There is established the language access advisory council within the department of labor and industrial relations for administrative purposes. The council shall consist of the following members to be appointed by the governor:
  - (1) One representative from the state government;
  - (2) One representative from a covered entity;
- (3) One bilingual case management worker, or an individual who is or has been employed by a state-funded immigrant service agency or program;

- (4) One representative of an advocacy organization that provides services to limited English proficient persons;
- (5) One member from the limited English proficient population who has an interest in the provision of oral language services;
- (6) One representative of the University of Hawaii department of language and linguistics who provides professional training in interpretation and translation;
  - (7) One representative of a Hawaiian language advocacy organization;
  - (8) One representative of a professional interpreter's organization;
  - (9) One representative of a bilingual referral service or program;
- (10) The executive director of the Hawaii civil rights commission or authorized representative; and
  - (11) The executive director, as ex-officio member.
- (b) Members shall be appointed in accordance with section 26-34. The terms of the members shall be for four years; provided that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year. The council shall select one of its members to serve as chair. No member of the council shall receive any compensation for council services, but shall be allowed necessary expenses for travel, board, and lodging incurred in the performance of council duties.
- (c) The language access advisory council shall serve in an advisory capacity to the executive director, providing input on:
  - (1) Implementation and compliance with this part;
  - (2) The quality of oral and written language services provided under this [part]; and
- (3) The adequacy of a state agency or covered entity's dissemination and training of its employees likely to have contact with limited or no-English proficient persons, its policies and procedures for language services, its competency in working effectively with in-person and telephone interpreters, and its understanding of the dynamics of interpretation between clients, providers, and interpreters. [L 2006, c 290, pt of §1]

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Copied into one document for convenience from the following seven weblinks:

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/HRS 0371-0031.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/HRS 0371-0033.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/HRS 0371-0034.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/HRS 0371-0035.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/HRS 0371-0035.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/hrs 0371-0036.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/hrs 0371-0036.htm

http://capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-0398/HRS0371/hrs 0371-0037.htm

Enacted July 10, 2006, as Act 290, Session Laws of Hawaii, Regular Session of 2006

Page 1 of 7

Notes from <u>Legal Issues for Managers</u> (Essential Skills for Avoiding Your Day in Court) by Deblieux, Mike for AMI How to series (1997) ISBN 1-884926-49-5 gw 12/06

Cost of Lawsuits:

time, lost productivity, attorneys' fees, court costs;

Personal, emotional and physical health costs

Supervisors/Managers

walk the talk—clear, fair consistent

example of fairness; show that you (the organization) cares

Grievance/complaint

Procedures

your role as supervisor—ultimately responsible

Personnel advisor—interpretations

<u>CRA</u> (1964) (1972)

(1972)

(1978)

Private sector and labor unions; State & local governments

Equal Employment Opportunity Act expanded EEOC

authority –allows it to file suit in fed. Courts against ers Pregnancy Discrimination Act (pregnancy, childbirth or

related medical conditions.)

(1991)

Allows jury trials; punitive and compensatory damages

Liability

Supervisors can be sued and be held personally liable for

discrimination

- disparate treatment

- disparate impact

retaliation

Harassment and Sexual harassment

verbal, physical and visual intentional or unintentional

disturb, torment or pester persistently

unwelcomed and unreasonable

avoid epithets and/or slurs (label or stereotype people)

avoid laughing at offensive or vulgar jokes take sexual harassment claims seriously conduct prompt and thorough investigation

-totality of the circumstances

-reasonableness

-hostility

implement timely and effective corrective action to

eliminate harassment

Types of sexual harassment

quid pro quo---strictly liable (no excuse)

Environmental (unreasonable interference with work

--intimidating, hostile, or offensive)

#### <u>Prevention</u>

written policy—take it seriously and enforce it carefully train employees and supervisors to identify and avoid inappropriate behaviors (provide examples) avoid saying or doing anything open to misinterpretation be sympathetic and open to complaints and concerns support open investigations take appropriate disciplinary action

Avoidance

Training

inappropriate verbal contact (words or sounds)

personal excuses Inappropriate touching

### Positive Power

Expected behaviors
Unexpected behaviors

Training on harassment, sexual harassment, cultural and sexual diversity, interpersonal communication; how to use the grievance procedure and other related topics. Also test at conclusion and low scores refer for additional training.

## Help for Supervisors to Avoid legal problems

- Set personal example with the language you use
- Avoid unnecessary touching
- Take immediate steps to remove pictures, posters, cartoons, drawings and other visual cues that may degrade or offend others
- Do not date people with whom you work—no suggestive remarks relative to dating
- Set high standards of behavior (words and actions)
- Take complaints seriously

# Recruiting and Hiring

- Before beginning process of filling a vacant position, write out the job duties you will want the new employee to perform.
- Work with HR to define qualifications needed to do the job successfully
- Plan your interviews—job-related questions only
- Work with HR conduct job-related reference check
- Give frequent, honest and objective feedback

Follow up (Are job openings available in audio format at well as print?) ADA (voice recorded and TDD)

Dates attended school (ADEA-67)

Driver's license no---valid form of ID yes

ADA (90) This job involves......can you, with or without accommodation, perform these duties.....

CR (64) do not need to know religious beliefs or affiliation

# Performance, discipline and at-will employment

- Review policy and practices on layoffs and RIFs
- Address performance and rule-violation problems each time they occur
- Write and present performance reviews before they are due
- Plan to keep promises and follow through as needed

When an employee <u>is performing poorly</u>; be able to show that:

- EE knew what was expected
- You notified EE of your concern in timely manner
- You explained what EE needed to do to correct problem
- You explained to EE that failure to correct problem would result in disciplinary action up to and including termination

# Progressive Discipline

- Training
- Counseling
- Oral Warning (Facts, Objectives, Solutions, Actions)
- Written Warning ditto
- Last-Step Option
- Termination

## Compensation

- Follow organizational guidelines in pay decisions
- Require nonexempt employees to record their work time
- Set an example for NE EE (don't take advantage of your exempt status)

(Compensatory Time—This may be granted by **public-sector** employers only if it is given at the rate of time and one-half the number of hours of work. Public-sector employees may accrue up to 240 hours of comp time.

**Private Sector**—comp time is not permitted for nonexempt employees—must pay for all hours worked.

Penalties—Failure to comply with FLSA—liable for up to 2 times back pay owed employee. FLSA also carries criminal penalties and requires ER who loses a claim to pay ee attorney fees (This applies to entire payroll—not just individual complainant.)

#### ADA (1990)

- Applies to hiring, firing, benefits etc.....
- Disability—substantially limits one or more major life activities (current)
- Record of an impairment that substantially limits
- Regarded as having an impairment (perceived disability)

-carefully define job (essential functions)
-do not give significant weight to nonessential functions

Supervisors can: Ask for a presentation on ADA for department; review job descriptions for job relatedness from the perspective of ADA (Remove language that requires employees to be totally free of a disability when a reasonable accommodation could be made.); ask HR to explain policy for helping or working with employees who become disabled.

#### Affirmative Action Executive Order 11246 (1965)

(government contractors with 50 or more employees or contracts or subcontracts for more than \$50,000 in federal government business)

Includes and not limited to state and local governments.

Requires that ER **take positive steps** to invite minorities and women to participate as full members of the workplace:

- Study availability of minorities and women in the community
- Compare workforce at all levels of organization to the availability of qualified minorities and women in the community
- Work to balance makeup of workforce with availability of qualified minorities and women in the community
- Ensure employment openings are well-publicized in the community in a way that makes them available to potential minority and female candidates
- Ensure employment policies and practices do not create discriminatory practices.

**OFCCP**, DOL, responsible for audits and compliance

**Goal**: Have employers reach out to the community to seek and include women and minorities in the workplace. (increases diversity of labor pool)

**Penalties**—Stop funds, pull agreements, future list elimination; refer to Justice Department to file federal lawsuit against ER

## **FMLA** (1993)

- -BIRTH, ADOPTION OR FOSTER CARE PLACEMENT
- -EE'S OWN SERIOUS ILLNESS
- -SERIOUS ILLNESS OF PARENT, CHILD OR SPOUSE

(Up to 12 weeks in 12 months after 1250 hours of work in the 12 months before the leave.)

-Rights--- to be notified---to same or similar position

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COBRA allows continuation of group health insurance after employment ends up to 18 months must elect within 60 days beneficiary eligible up to 036 months Notify HR; Notify EE of rights

# **Drug-Free Workplace** (1988)

-drug testing—privacy issues—usually controlled by state law—pre-employment testing acceptable in most states; random testing—ok in fewer states—reasonable suspicion acceptable in some states.

-certify drug-free workplace

-plan to ensure drug-free workplace

(must include elements such as ee education, establishing compliance with program as condition of employment and taking appropriate disciplinary action against employees who violate the policy.)

Supervisors—check with HR and/or Attorney before requiring a drug test—objective job-related reason.

IRCA (Immigration Reform and Control ACT (1986)

-proof of eligibility to work in US -penalties for hiring, referring, recruiting or retaining those not authorized to work in US I-9

# NLRA (1935)

- Supervisors never handle or inquire about union card
- Don't try to talk employees out of union
- Notify HR of rumors
- Do not threaten or intimidate, make promises or spy

# **WORKPLACE VIOLENCE**

OSHA -holds ers responsible for providing safe

workplace even when there are no

regulations for ers to follow WV falls here.
-special care to survey workplace to ensure

reasonable efforts taken to minimize risk of violence (ie...doors and entrances properly

secured, name tags, visitor logs and other access-control steps; reference and background checks on new employees.

- -Train supervisors and employees to recognize employee, customer and visitor behaviors that may signal potential violence
- -Refer to EAP troubled employees for professional assistance
- -All must understand that threats and intimidation will be viewed as a serious matter and meet with serious disciplinary action up to and including termination.

# Polygraph Protection Act (1988)

- Supervisors may not discipline, discharge, or discriminate against an employee or job applicant who refuses to take a lie-detector test.

State and Local Laws (such as smoking bans) need to be considered also.

Post notices required by most federal laws—explaining that employer is covered by the law. Criminal penalties in some cases. (visible and up to date in all work locations.)

# Orientation/Training/Materials Confirmation

I,, have reviewed provisions for Limited English Proficiency (LEF processes to follow when encountering individual language access services, including and not limit translations, ASL interpretations, large print and impaired individuals, or any other assistive device self-identified disabilities.  Or	ted to, oral interpreter services, written
I,	
I,, have reviewed specific questions. I can be reached at:	I the materials and have the following
and at.	
E-mail or	
- ······	Phone
One of the second	
Question #1:	
Question #2:	
Onesti- Va	
Question #3:	
Please complete, review, sign, date and return to:	gwatts@dhs.hawaii.gov
Signature	-
-	Date

# STARTER CHECKLIST

## FOR DHS SUPERVISORS

***************************************	Review 4.10.1 Discrimination Complaint Procedure (Updated 2007)
	Review 4.10.2 Harassment (Updated 2007)
	Review 4.10.3 Opportunity to Participate in Programs, Services and Activities
	(Updated 2007)
***************************************	Request forms/posters/assistance/guidance, as needed 586-4955
	Develop/follow a self-evaluation checklist for building access
***************************************	Review orientation/training materials, complete and sign confirmation form
	Clarify your rights and responsibilities
	Clarify your employees/clients rights and responsibilities
***************************************	Obtain MOST CURRENT (September 2007) Employee Interpreter List
	Obtain MOST CURRENT court interpreter list
	Share lists and procedures with employees who have contact with public
	Check your contracts and subcontracts for appropriate assurances
	Use the 4-factor analysis to determine which, if any, Program documents
	need to be translated into languages other than English
	(4-factor analysis = Number, frequency, importance, <u>and</u> reasonableness)
	Provide self-identification forms to employees and clients
	Collect information from current DHS employees relative to language skills
	Monitor to make sure data is collected to identify language needs
	Monitor to confirm that clients, applicants and potential applicants are:
	Given adequate and correct information
	Understanding of what services and benefits are available
	Effectively communicating relevant circumstances of their situation
	Monitor to confirm that clients, applicants and potential applicants for services:
	Are provided free interpreter services as self-identified/needed
	Avoid using family members as interpreters
	In suspected child abuse or domestic violence cases, provide
	a second interpreter if family member must be used
	Never allow a minor to provide interpreter services
	If a client or applicant declines free interpreter service, record
	the decline and reasons given.
	Are advised in writing that they have the right to file an
	alleged discrimination complaint concurrently with appropriate
	entities
	Are provided complaint forms for filing discrimination allegations
	Discrimination Complaint and instructions (DHS 9004, 6/2007)
	Consent/Release Form (DHS 9006, 6/2007)
	Complaint Withdrawal Form (DHS 9007, 6/2007)
	Notify CRCS of any Building/facility access issues (doors, elevators, restrooms,
	disability evacuation issues) gwatts@dhs.hawaii.gov
	Provide employees, applicants and clients the opportunity to request a
	"reasonable accommodation" (RA-1 12/96)
	Contact your Divisional LEP and Disability Access Task Force Representative/s
	when you need assistance or identify a problem
	When participating in investigations (internal or external) be factual and specific,
	providing supporting documentation as requested